TRIAL

OF AN

INFORMATION

FILED BY ORDER OF THE COURT OF KING'S BENCH,

AGAINST

Samuel Ferrand Waddington,

BEFORE

THE HONOURABLE SIR SIMON LE BLANC,

ONE OF THE JUSTICES OF THE SAID COURT,

AND A SPECIAL JURY;

AT THE ASSIZES FOR THE CITY OF WORCESTER,

On the 29th of July, 1800,

FOR

ENGROSSING HOPS,

AND OTHER MISDEMEANORS RELATING TO

THE HOP-TRADE.

LONDON:

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1800.

IN THE

KING'S BENCH, WORCESTER;

JULY 29th, 1800.

The KING *v.* SAMUEL FERRAND WADDINGTON.

Counsel for the Prosecution.	*Counsel for the Defendant.*
MR. PLUMER.	MR. DAUNCY.
MR. MILLES.	MR. WIGLEY.
MR. MANLEY.	MR. PEAKE.
MR. W. SCOTT.	
MR. DOWDING.	
Solicitors.	*Solicitor.*
MESSRS. A. & J. WESTON.	MR. ELSTOB.

JURY.

THOMAS CARDEN, SEN.	MARTIN BARR.
JOHN WHEELEY.	THOMAS WILLIAMS.
JAMES HICKMAN.	ROBERT VELLERS.
RICHARD ROWLANDS.	ROBERT CHAMBERLAIN.
JOHN FORREST.	THOMAS MORRIS.
HERBERT ROGERS.	JAMES BLACKMORE.

INFORMATION,

FILED TRINITY TERM, 40TH GEO. III.

First Count.] CHARGES that the Defendant on the 29th of March 1800, at the City of Worceſter, in the County of the ſaid City, wickedly intending to enhance the price of Hops, did ſpread divers rumours and reports, with

reſpect to Hops, by then and there, in the preſence of divers Hop-planters and Dealers in Hops, aſſerting, declaring, and publiſhing, THAT THE THEN preſent ſtock of Hops was nearly exhauſted, and that from that time there would ſoon be a ſcarcity of Hops—and that before the Hops then growing could be brought to Market the then preſent ſtock of Hops would be exhauſted, WITH INTENT by ſuch rumours to perſuade the *Dealers* in Hops, and thoſe having large quantities for ſale, not to *carry or* ſend any Hops to Market or Fair for ſale, and to abſtain from ſelling ſuch Hops for a long time, and thereby greatly to enhance the price.

Second Count.] That Defendant, contriving to enhance the price of Hops, did publiſh rumours with reſpect to Hops: That the then preſent ſtock of Hops was nearly exhauſted, and that there would ſoon be a ſcarcity of Hops, and that, before Hops then growing could be brought to Market, the then preſent ſtock would be exhauſted, WITH INTENT by ſuch rumours to enhance the price of Hops.

Third Count.] That Defendant did endeavour to promote and enhance the price of Hops by perſuading, and attempting to perſuade, divers perſons dealing in Hops, and having large quantities for ſale, not to go to any Market or Fair, with any for ſale, and to abſtain from ſelling Hops for a long time.

Fourth Count.] That the Defendant on the 1ſt of March, 1800, *et diverſis diebus*, &c. did engroſs and get into his hands, by buying of William Green, and thirty-ſix other perſons, certain quantities of Hops at certain prices, WITH INTENT to re-ſell the ſaid Hops ſo by him bought for an unreaſonable profit, and thereby to enhance the price of Hops.

Fifth Count.] That Defendant on the 3d of May, 1800, did get into his hands certain other large quantities of Hops, by contracting with one William Green, and thirty-ſix other perſons, to buy and take of them the ſaid Hops, and by perſuading the ſaid William Green, and the ſaid thirty-

ſix

ſix other perſons to ſell and deliver to him the Defendant, the ſaid quantity of Hops at the price of £13 for each hundred weight, which ſhould be delivered to him on the 3d of May then next, at the price of £14 per hundred weight, which ſhould be delivered to him on the 19th of May then next following, and at the price of £15 for every hundred weight which ſhould be delivered to him on the 31ſt of May then next, WITH INTENT to re-ſell the ſaid Hops ſo bought and contracted for at an unreaſonable profit, and thereby to enhance the price of Hops.

Sixth Count.] That Defendant, on the 19th of April, 1800, did get into his hands a large quantity of Pockets of Hops, by contracting with William Green to buy and take of him a large quantity of Pockets of Hops, and of thirty-ſix other perſons named in this Count; and by perſuading the ſaid Green and thirty-ſix other perſons to ſell and deliver to him the ſaid Defendant the ſaid laſt mentioned quantities of Hops, at certain large prices, WITH INTENT to prevent the ſame from being brought to Market for ſale, and to re-ſell the ſame for an unreaſonable profit, and thereby greatly to enhance the price of Hops.

Seventh Count.] That Defendant on the 19th of April, 1800, did buy and cauſe to be bought, and did get into his hands, a large quantity of Hops, by buying of Green and thirty ſix other perſons, WITH INTENT to prevent the ſame from being brought to Market for ſale, and to re-ſell the ſame for an unreaſonable profit, and thereby to enhance the price of Hops.

Eighth Count.] That Defendant, on the 1ſt of May, 1800, did buy and cauſe to be bought, and did get into his hands, by buying of William Green and thirty-ſix others, large quantities of Hops, WITH INTENT and deſign to re-ſell the ſaid Hops, ſo by him bought, for an unreaſonable profit, and thereby greatly to enhance the price of Hops.

Ninth Count.] That Defendant, on the 19th of March, 1800, did engroſs, and get into his hands, by buying of divers perſons, large quantities of Hops, WITH INTENT to re-ſell the ſame at an exorbitant profit, and thereby greatly to enhance the price of Hops.

(The Information opened by Mr. DOWDING.*)*

MR. PLUMER.

"*May it pleaſe your Lordſhip,*

"Gentlemen of the Jury,

"THE Information that has been juſt read charges the Defendant with a miſdemeanour of no common magnitude; and, Gentlemen, in the outſet of this buſineſs, I cannot help obſerving that the queſtion, in every point of view, is of the greateſt importance. It is of great conſequence to the Defendant that in an offence of this magnitude he ſhould be able, if poſſible, to vindicate himſelf from it: and if he can, by fair evidence reſpecting the facts, acquit himſelf of the heavy charges made againſt him, thoſe who have undertaken this Proſecution will rejoice in the event of his acquittal. But, on the other hand, if the charges in this Information turn out, as I am afraid they will, to be well founded in point of fact, it is certainly of the laſt importance to the Public that the Law on this ſubject ſhould no longer remain in the ſmalleſt ſtate of doubt, and that the event of this Proſecution, which is moſt anxiouſly looked for by the people in every part of the Kingdom, ſhould convince every man who was ever able to bring his mind to entertain the ſmalleſt doubt on the ſubject.

"Gentlemen, this Information comes down here, not in the ordinary way, in conſequence of the finding of a Grand Jury of the County; but by a ſtill higher authority—the higheſt

higheſt Criminal Authority of this Kingdom. Yet I do not in the leaſt mean to ſay, that authority ought to have the ſmalleſt effect on your minds in judging of the facts of this caſe. Though it was competent to the Defendant in the early ſtages of this buſineſs to meet the charge, and to ſhow, by his own denial of it, if he could have denied it with truth, that he ought not to have been made the ſubject of a criminal Proſecution—and though he did not think fit at that time to come forward with any defence, I do not ſay that ought to have the leaſt influence in the deciſion of this cauſe, if he is now able ſatisfactorily to anſwer the Charges againſt him.

" With reſpect to the Law of the Caſe, you will permit me to ſay that no poſſible doubt can now be raiſed on that part of the ſubject. The offence charged againſt this Defendant has ever been conſidered by the Laws of this Country (which are the beſt ſyſtem of Laws, I believe, the wiſdom of man ever framed for the protection and ſecurity of this or any other Nation) as an offence of the greateſt magnitude. It is ſo conſidered at the preſent day. The Law has long been ſettled by the wiſdom of our Anceſtors, and there neither is nor ever was any doubt reſpecting it. When the bad paſſions of men, who have no feeling for the diſtreſſes of the poor, induce them to abuſe their wealth by monopolizing or withholding from the market any article which conſtitutes one of the neceſſaries of life, every man muſt ſee the dreadful conſequences ariſing from ſuch a conduct. And if any body ever doubted the policy of the Law, after what he will hear to-day, I am perſuaded he will think himſelf no longer at liberty to arraign the wiſdom of our anceſtors, or to entertain any doubt reſpecting the propriety of that ſyſtem of Laws under which we have the happineſs to live.

" Gentlemen, the nature of the charge contained in this Information in a few words is this: It imputes to Mr. Waddington,

dington, that on the ſubject of Hops he has endeavoured to enhance the price of that commodity—by his words, and by his acts—that he has formed a ſyſtem for this purpoſe. He has done every thing which the ingenuity of man could ſuggeſt by words, by acts—by means of his purſe, and by means of his repreſentations, to enhance the price of this commodity to thoſe who have occaſion to purchaſe it. That is the plain ſimple nature of his offence.

"Now, Gentlemen, I ſhall ſtate to you, upon the higheſt authority, the Law eſtabliſhed upon this ſubject. It was upon conference and mature deliberation reſolved by all the Judges of England, as ſtated in a book of the higheſt authority, Lord COKE's 3. Inſt. p. 196, 'that every practice or device by act, conſpiracy, words, or news, to enhance the price of victuals, or other merchandize, is puniſhable by Law.' You will likewiſe find, Gentlemen, in another book of great authority, Mr. Serjeant HAWKINS's Pleas of the Crown—'That all endeavours whatſoever to enhance the common price of any merchandize, and all kinds of practices which have an apparent tendency thereto, whether by ſpreading (falſe) rumours, or by buying things in a market before the accuſtomed hour, or by buying and ſelling again the ſame thing in the ſame market, or by any other ſuch like devices, are highly criminal at Common Law, and that all ſuch offences anciently came under the general notion of Foreſtalling, which included all kinds of offences of this nature'—(1. HAWK. P. C. 234). So that not only to enhance the price of victuals or common neceſſaries, but even to enhance the price of any merchandize, is not permitted by the Law of England.

"Gentlemen, this is the language of the Law, to which every private individual in the kingdom owes reſpect and ſubmiſſion. If any doubt ſhould remain in the mind of any individual ſpeculating in his cloſet reſpecting the wiſdom

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and policy of the Law, it will be recollected that the queſtion in a Court of Juſtice is not what ought to be, but what is, the Law. And no one is permitted to ſet up his own judgment contrary to the Law. If the oppoſite doctrines be founded in right principles, it will properly prevail in another place. But, ſo long as the Law remains unaltered, it is the duty of us all to conſider and obey the Law as it now exiſts. And I truſt nobody will think himſelf at liberty to exerciſe any judgment, at leaſt not ſo as to operate in any reſpect on his conduct, whether the Law might be more wiſely framed, or the public intereſts better protected by a different ſyſtem. As to the charges contained in this Information, if there were any reaſon to believe that a doubt could be raiſed whether they conſtituted any and what offence in Law, that queſtion is not for the deciſion of this day, but may be conſidered hereafter. If your verdict be unfavourable to the Defendant, it will not preclude him from every poſſible benefit that can ariſe from any ſuch doubt. The offence will correctly appear on the Record, and every queſtion of Law may be diſcuſſed hereafter by the Court out of which this proſecution iſſues. I ſay, all this may and ought to be reſerved for future conſideration. I beg to mention this here for the purpoſe of bringing your minds to the plain ſimple duty which you have to diſcharge. That duty is, to compare the facts, which I ſhall lay before you in evidence, with the charges in the Information; and if the evidence does not ſupport thoſe charges, you are bound to acquit the Defendant. If the evidence does ſatisfactorily prove them, queſtions as to what the Law is, and all queſtions of policy and propriety as to what the Law ought to be are not the ſubject of preſent conſideration. And I am perſuaded that no individual among you will ſuffer his mind to be ſeduced, or his attention diverted, by any accidental

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difference of opinion, if any ſuch ſhould prevail on any of thoſe queſtions.

"Now, Gentlemen, the nature of the Information has been ſtated, you know the general tendency of it. In a general point of view, it divides itſelf into two parts, the firſt of which imputes to the Defendant, that he came into this city with an intention to enhance the price of Hops; that the means that were made uſe of by him for that purpoſe were, ſpreading various rumours and reports in the Hop-market of a nature which I ſhall preſently ſtate to you, and that he made a public addreſs to the perſons engaged in the Hop-trade, particularly the Hop-planters, for the purpoſe of inducing them to withhold and withdraw that commodity from the public market.—That is the charge contained in one ſet of Counts. It imputes to him an intention—and it ſtates the mode by which he endeavoured to carry his object into execution.

"Upon this ſubject, you will ſimply conſider, firſt, whether he did make uſe of the declarations imputed to him, and next, whether ſuch was his intention. Theſe are the two ſubjects of fact for your conſideration in the three firſt Counts of the Information.

"The ſecond part of the Information—the ſecond ſet of Counts, contains the more complex charge, that the Defendant, by buying, got a large quantity of hops into his poſſeſſion for the purpoſe of reſelling the ſame at an extraordinary profit, and for the purpoſe of preventing the commodity coming to ſale at the public market. And theſe acts are charged to have been done with an intent to enhance the price of the commodity. It is neceſſary on this part of the ſubject, that you ſhould be ſatisfied the charge is made out by proof, that the Defendant purchaſed from the thirty-ſeven perſons named a very conſiderable quantity of Hops.

And, in the next place, if he did, that, he purchaſed them with the intent laid in the Information—either to reſell the ſame at an extraordinary profit, or to prevent the article from being ſold in the public market—and, with reſpect to both, or either of them, that his object was to increaſe the price of Hops in the market.

"You obſerve the firſt Count of the Information charges Mr. Waddington, that "he, wickedly intending to enhance the price of Hops, did ſpread divers rumours and reports with reſpect to Hops, by then and there openly and wickedly, in the preſence and hearing of divers Hop-planters and Dealers in Hops, aſſerting, declaring, and publiſhing, that the then preſent ſtock of Hops was nearly exhauſted, and that from that time there ſoon would be a ſcarcity of Hops, and that before the Hops then growing could be brought to market, the then preſent ſtock of Hops would be exhauſted; with intent and deſign by ſuch rumours and reports to perſuade and induce divers perſons then preſent, being Dealers in Hops, and accuſtomed to ſell Hops, and having large quantities of Hops for ſale, not to carry or ſend to any market or fair any Hops for ſale, and to abſtain from ſelling ſuch Hops for a great length of time, and thereby greatly to enhance the price of Hops."—The charge in the ſecond Count is nearly to the ſame effect. The third Count directly imputes to him, that "he did unlawfully endeavour to promote and enhance the price of Hops, by perſuading and attempting to perſuade divers perſons dealing in Hops, and accuſtomed to ſell Hops, and having large quantities of Hops for ſale, not to go to any market or fair with any Hops for ſale, and to abſtain from ſelling ſuch Hops for a long time." You obſerve there is a little difference in theſe charges. The one ſtates certain addreſſes, topics and arguments made uſe of to the Dealers, manifeſtly calculated to induce them to withhold the

commodity from the market. The other imputes to the Defendant direct perſuaſions to them for this very purpoſe.

"Now, on this part of the ſubject, the facts that will be proved to you will be theſe: I ſhall prove that Mr. Waddington, who was a ſtranger till very lately in this City or County, on the 29th of March made his entry into this place. For what purpoſe he came here you will collect from what he did when he was here—from what he declared was his purpoſe to thoſe who were in his confidence. And if there is any fair doubt, you will collect it from the circumſtances of the caſe—from the circumſtances under which he acted, and the whole of his conduct.——Gentlemen, at that time Mr. Waddington was the poſſeſſor of a very conſiderable quantity of Hops, which he had purchaſed in other places. What quantity he had purchaſed, at what prices, and under what circumſtances he made thoſe purchaſes, does not conſtitute any article of charge againſt him to-day, and is not the ſubject of our preſent conſideration. And therefore I ſhall ſtate to you, and prove in point of fact, that he had at that time a very conſiderable quantity of Hops in his poſſeſſion. You will find, Gentlemen, that at that period the price of Hops was falling, and that the market was then, and had been for ſome little time before, what was called a falling market. The price of Hops in Worceſter did not keep up from various cauſes, either from the proſpect of the enſuing crop, which was certainly then very remote, and hardly any clear judgment could be formed on the ſubject, or from the quantity of Hops in the market being much more than the current demand, owing, perhaps, in great meaſure, to the preceding bad crop of barley, and the ſcarcity of malt, in conſequence of which the demand for Hops was much leſſened. Whether it was from one or both of theſe cauſes, from the favourable appearance

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of the future crop, or the ſcarcity of malt, and of conſequence of a diminiſhed demand, the market was then, and had been for a ſhort time before that, in a falling ſtate. Gentlemen, that it was the intereſt of any perſon poſſeſſed of a very conſiderable quantity of Hops (if he were wicked enough to promote that intereſt at the public expenſe) to raiſe the price of Hops in this market, there can be no doubt. From the intercourſe that is conſtantly and neceſſarily kept up between the different parts of the Country, it is clear, that the price of the market in one place muſt influence in ſome degree the price at another place. A falling market at Worceſter would neceſſarily have ſome effect on the London market. It was therefore of conſequence to Mr. Waddington, who was the poſſeſſor of a large quantity of Hops, to keep up the price, and to uſe all his endeavours to raiſe that falling market. He therefore endeavoured to perſuade thoſe who were in poſſeſſion of this commodity to keep it back from the market, and thereby to enhance the price. That that was the purpoſe of Mr. Waddington in coming down here—that he came to Worceſter on purpoſe to enhance the price of Hops, I will prove to you by, that which Mr. Waddington will not deny to be, the very beſt evidence, namely, by the evidence of witneſſes to whom he himſelf declared, that it was his purpoſe to give, as he termed it, *a fillip* to the market. He came here for that purpoſe on the 29th of March laſt. This he communicated to thoſe who had his confidence. There are two Gentlemen, both of whom it will be neceſſary for me to call, Mr. Yarrenton, and Mr. Phillips—perſons who are employed as his agents in this market. He declared to them that ſuch was his purpoſe, and he did not fail to proſecute that purpoſe. He gave them a friendly hint, that they had better make their purchaſes, which they might do with more advantage before he made his appearance

In the market. This advice was given not only to benefit his agents, but likewiſe that they, by withdrawing from the market a large quantity of that commodity with which others muſt be ſupplied, might raiſe the price. That is ſome evidence of the purpoſe for which he came into the market. Let us ſee what is his conduct when he comes there. There were 4000 pockets on hand at that time to ſupply the market with that article, for which the demand then was not conſiderable, owing to the cauſes I have ſtated. You will find one of the firſt things done by Mr. Waddington is to invite all the Hop-planters to a public dinner, given by himſelf at the Hop-pole Inn, ſelecting carefully that claſs of perſons who had a common intereſt with himſelf to raiſe the price of this commodity;—but, not waiting till the time of dinner, you will find, that on going into the market Mr. Waddington makes a public addreſs to all the people who were aſſembled at the market for the purpoſe of ſelling that commodity. He began his addreſs by ſtrongly recommending to the Planters not to ſell their Hops at all at the then low price of the market—that by keeping them back from the market for ſome time, they would obtain more money for them; and that it was their own fault if they did not advance the price of Hops to £.20 a hundred weight, the price at that time being only from £.10 or £.11 to £.12 or £.13, according to the goodneſs of the article. That they might have their own price for them, if they did not bring them to market. That the preſent ſtock of Hops was nearly exhauſted, and the Brewers muſt ſoon come to them; that long before the new Hops could come to market, the whole of the preſent ſtock would be exhauſted, and that they (the Hop-planters) might depend on him at leaſt to aſſiſt them in keeping up the price. But if they were deſirous of ſelling, and alarmed—Gentlemen, you ſee, if the fears or neceſſities of any of the Planters compelled them to ſell

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their Hops, this perſon held out to them his patronage and protection by means of the length of his own purſe. He ſtates to them, if any perſon was deſirous of ſelling, he was a buyer—not a buyer, you ſee, for any other purpoſe but to quiet the alarms or uneaſineſs of others, the more effectually to enable them to co-operate in his general plan. His firſt plan was to keep the commodity out of the market entirely; but if the people would not believe him, or from their neceſſities could not enter into his ſpeculations, if they were driven to ſell, to them he offered himſelf in the character of a buyer. And on this ſubject he made good his words; for, with regard to thoſe whoſe neceſſities compelled them to ſell, notwithſtanding his arguments and perſuaſions, he did, in point of fact, become a buyer at that market of no leſs (having originally ſtated what his purpoſe was in coming into the market) than 300 pockets of Hops, and theſe at an advanced price beyond the common price of the market of 30 ſhillings per hundred weight.

"Now, Gentlemen, if any perſon is a buyer of a commodity in the ordinary courſe of buſineſs, he does not uſe every argument with the ſeller to raiſe the price of that commodity! that is not the ordinary topic a buyer addreſſes to the ſeller—to ſuggeſt to him all the circumſtances that ought to induce him to keep up the price of that commodity which he himſelf wiſhes to purchaſe at the inſtant——

"But, in the next place, you will find there is another circumſtance which ſhows him not to have been a *bona fide* purchaſer, and that he had no wiſh to poſſeſs himſelf of this commodity in the ordinary or common courſe of buſineſs; but that he had a ſiniſter, indirect, oblique purpoſe, and that it was only ancillary to another purpoſe, namely, his grand plan, which was, to keep up the price by his words and ſpeeches, and, when theſe did not prevail, then, by the

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uſe of his wealth, in becoming a buyer. For what purpoſe? For the purpoſe of enhancing the price of the commodity. I ſay, what ſhows beyond all doubt that this was his grand plan, and that he was not a *bona fide* purchaſer, was this—You will find by the evidence of one perſon, of the name of James Taylor, that he had offered to ſell his Hops at £.12 10*s*. per hundred weight, and that Mr. Waddington, the Defendant, adviſed him not to ſell them, aſſuring him the price would be higher. But Taylor perſiſting in ſelling, the Defendant purchaſed of him ſix pockets of Hops at £.13 6*s*. per hundred weight, which that perſon would have ſold at £.12 10*s*. per hundred weight. This fact alone leaves no room to doubt, that his intention was to raiſe the general price of the commodity. You obſerve he gave for theſe Hops £.13 6*s*. an hundred weight, exceeding by 16*s*. per hundred the price Mr. Taylor was willing to have taken.

"Gentlemen, I ſhall prove to you beſides, that another topic was uſed by this gentleman for the purpoſe of keeping down any fears as to what might be the nature or conſequence of what he was propoſing to them. He aſſured the Planters they might lawfully comply with his advice, without any danger incurred by them or himſelf from the Law:—Gentlemen, I beg the favour of your attention to this part of the caſe, becauſe it ſeems to me to put out of all poſſibility of doubt the criminality of the Defendant, and to refute any thing that could be urged in favour of a perſon ſtanding in a different predicament with reſpect to any ignorance as to the real ſtate of the Law, or any erroneous belief that it was allowed to engroſs or foreſtal this article, from the Repeal of the Statutes on this ſubject, and the ſuppoſed conſequent abrogation of the Common Law. Though any ignorance of this ſort could have been no protection, yet it might have operated in mitigation of puniſhment. But unfortunately for

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this Defendant, his own declarations render it impoſſible for him to make that apology—ſo indecently and ſo ſhameleſsly did he conduct himſelf on that ſubject. In his addreſs to the Planters he brings forward the ſubject of proſecution that had been inſtituted againſt him; another proſecution for the preſent was not then commenced, but another proſecution then actually hanging over the head of this gentleman—for the very ſame offence of which he is now accuſed—he had the daring inſolence to come to this place, and in defiance of the Law, and of the Tribunal before whom that proſecution was depending, in the open market, publicly ſtated to the people that the low price of Hops was occaſioned by that proſecution againſt him. And, Gentlemen, he ſtates, and falſely ſtates, for the purpoſe of wicked deluſion, that he could aſſure the people from very high authority, that ſuch proſecution was dropped—that that proſecution would not proceed further againſt him, and conſequently that the price of Hops would riſe. It riſes and falls with the ſafety or the puniſhment of Mr. Waddington. He himſelf publicly ſtates there had been this proſecution—he ſtates what had been its effect—the reducing of the price of Hops; but in order to prevent any perſon being deterred by conſidering him as the juſt object of proſecution and puniſhment, for the ſake of hurrying others into the ſame crime he himſelf was committing, and for which he was under a proſecution, as well as to render ludicrous the Juſtice of the Country, he has the impudence to ſtate to them, contrary to what he knew to be fact, that he could aſſure them, from very high authority, that proſecution againſt him was actually dropped.

"Gentlemen, the direct contrary was known to Mr. Waddington on the 29th of March. He knew there never was the ſmalleſt idea—there could not be in any body the leaſt idea that this proſecution ſhould be dropped, unleſs they could

could have dropped all regard for the moſt important intereſts of the public. It was at that moment depending, and it had been promulgated to the whole country, and more eſpecially to Mr. Waddington himſelf, that the Common Law of England pronounced acts of this nature ſtill to be offences, and that Hops were an article that might be the ſubject of them. The Court of King's Bench had decided, that Hops conſtituted one of the neceſſaries of life, and Mr. Waddington knew of this deciſion, becauſe he was the very perſon in whoſe caſe this public promulgation was made. And in order to induce perſons to offend with him, he held out this idea of impunity to them, that this proſecution againſt himſelf was dropped, and in conſequence that they might freely look forward to the proſpect of a riſing market—You will not wonder, therefore, that he induced them to co-operate with him.

"He afterwards goes to the tavern where he had invited the Hop-planters to meet him at a public dinner.—Gentlemen, you will find, that he had ordered Mr. Weaver, the maſter of the Hop-pole Inn, to take care not to admit any perſons into the room but one deſcription of perſons. What was that deſcription that were alone to be admitted to be the partakers of a public dinner to be given by this Gentleman, who had come a ſtranger into the city of Worceſter? Hop-planters only!—perſons of no other deſcription were to be admitted into the room. A paper to that effect was put over the door, on which were written in large letters theſe words——"None but Hop-planters admitted." Why ſo? What is to be done that none are to be admitted but Hop-planters—but thoſe who are intereſted to have this commodity raiſed to the higheſt poſſible price? What was the purpoſe of this meeting? What was the object of it? You can entertain very little doubt, I believe: You will ſuſpect what was to be done at a meeting ſo ſelected. Ninety-ſeven perſons

ſons of that deſcription were induced by that invitation to enter the room, and to partake of this dinner. Gentlemen, after this dinner what is the firſt thing done? Any convivial toaſt, or what is uppermoſt in the mind of Mr. Waddington, what he never forgets even over the table? The firſt toaſt he gives is this——"Hops at £.20 a hundred weight!" That is the firſt toaſt, Gentlemen. I remember a ſimilar toaſt once given—I think it is in ſome play, wherein, in the ſame ſpirit, the Jew gives vent to his feelings in the toaſt of—"Succeſs to Uſury!" It is rather a little extraordinary that a perſon, againſt whom a proſecution was then depending for this offence, ſhould in a public company give this unequivocal invitation to extortion—that he ſhould have ſo little ſenſe of public *decorum*, as to commit this offence in ſo public a manner, in the preſence of ninety-ſeven perſons, all concerned in the ſale of this commodity!—To urge the general purpoſe of enhancing the price, and invite them to give effect to his plan, he had ſtated to them in the market, that it would be their own fault if Hops did not advance to the price of £. 20 a cwt. And in further proſecution of that, his firſt grand leading object, this is the firſt toaſt he gives after this public dinner given at the City of Worceſter. Every Hop-planter was eager to fill his glaſs, and you will not wonder to hear that this toaſt was drunk by all the company with rapture. It was a moſt acceptable and popular toaſt. There were then 4000 pockets of Hops in the hands of the Planters, for which, at that time, they had found but a very feeble and flat demand. This toaſt, therefore, which tended to raiſe the hopes of the Planters, was naturally received with rapture. What is the next thing done by the Defendant? Inſtead of purſuing, what uſually engages the hours of conviviality, Mr. Waddington never loſes ſight of the main object: he does not relax a moment from his purpoſe. The inſtant after the toaſt is

given, he gets up in the room and makes another public addreſs to the Hop-planters preſent. He ſtates to them, that till within the laſt two years the Hop-planters in Great Britain had not had a fair price for their Hops; that the then low price of Hops at Worceſter was much below the London market; that it was the fault of the Hop-planters at that meeting if they did not raiſe them to £. 20 a hundred weight, and put them on a level with the London market. He again repeated, that the preſent ſtock of Hops was nearly exhauſted, and that certainly there was not five months ſupply; that long before new Hops could be brought to market, the then preſent ſtock muſt be entirely exhauſted; that he was determined to be their friend, and that they ſhould not be obliged to ſell their hops for want of money. He repeatedly and ſtrongly recommended to them not to ſell their Hops, but to keep them back, and not ſend or carry them to any market. But, if they were not diſpoſed to take his advice, he would buy them of them, or build a warehouſe, in Worceſter, large enough to hold them all, where they ſhould place them till the price was ſuch as to encourage them to ſell. And in the mean time he would open a bank at the end of the warehouſe, out of which they ſhould be ſupplied with money. Theſe are the topics addreſſed publicly to a ſet of Sellers of this commodity; and you have to pronounce what was the intention with which this addreſs was made by Mr. Waddington, whether it was with an intention to enhance the price or not. That is the only queſtion you have to conſider.

"Now, Gentlemen, ſhould I not inſult the common ſenſe or the underſtanding of any child in Court, if I were to aſk him, whether he could doubt, after hearing theſe declarations, with what intention they were addreſſed to the Planters? With what other intent than to enhance the price could they poſſibly be made? What other topics could

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be urged by any perſon who had a mind to raiſe the price of this commodity,—What other topics could be addreſſed to them than thoſe that were actually urged by Mr. Waddington? It matters not whether what he ſtated to them was true or falſe. The queſtion is, whether he pronounced the words, whether he made the declarations and addreſſes, and whether he did the acts that are imputed to him by this Information. And if he did, what was his intent; that is the ſingle queſtion. And it is impoſſible to doubt but his intention was to raiſe the price of Hops, in the market, to £.20 a hundred weight; that was his object, becauſe he declared it: and he did give a powerful fillip to the market. He there ſtates the reaſons to induce the Planters to withhold from the market the commodity they would otherwiſe have carried to it. He uſes every argument and every perſuaſion in his power to prevail on them to keep back the article from the market.—But Mr. Waddington goes a great deal further. He knows the means by which they are driven to go to the market—the want of money. He tells them, he will ſupply them with money: he tells them he will build a warehouſe for them in which they may depoſit all their Hops, and not bring any of them to market till they riſe to that price which will make it eligible for them to ſell. His great leading purpoſe, therefore, was to keep Hops back in order to enhance the price:—and if that will not do, if the Planters will not liſten to his arguments, but inſiſt on ſelling, then, and not till then, he is reduced to his laſt and only remaining object, to wit, he will then become a buyer. But this was only his ſecondary object. His primary object, his grand leading firſt object, was to enhance the price by withdrawing the Hops entirely from the market;—he urges that by every means in his power. And when that will not ſucceed, then, and not till then, has he recourſe to his ſecond object. The Defendant is a ſtranger coming into this market, not

coming for the ordinary purpoſes of trade in the market; and you obſerve, that buying is his laſt object, and only ancillary to his general purpoſe. If my plan cannot be otherwiſe carried into execution; then, and not till then, will I take up the character of Buyer, in order to carry my plan into execution. Gentlemen, this is Mr. Waddington, who repreſents himſelf as the Public Friend and Patron of the injured Hop-planters. He comes here, not for the purpoſe of any corrupt motive; he is not to receive any advantage to himſelf; but his ſole object in coming down here was, to befriend the poor injured and much-oppreſſed Hop-planters, and to reſcue them from the bondage in which they were enſlaved. He was the public patron and friend of men who were no acquaintances of his, and whom he had never ſeen before; but merely becauſe they are Dealers in Hops he extended his compaſſion to them; in the ſame manner he had done to another County, where he declared he had reſcued and delivered the poor diſtreſſed Hop-planters from oppreſſion. Mr. Waddington is a public-ſpirited man, and a noble patron to reſcue men from diſtreſs in every part of the Country where Hops are produced. It was not from any corrupt motive of his own—it was not for his own lucre—not, as the Law deſcribes the Foreſtaller, *lucrum ſitiens vitioſum*—This was a paſſion too low and grovelling for his mind—He never thought of his own intereſt in all that he did—It was not to get £. 10,000 into his own pocket—He acted ſolely from public ſpirit, *pro bono publico*—He deſcribes himſelf as the friend of a particular claſs of men, obviouſly for the purpoſe of enabling them to aſſiſt him, and to give effect to his grand plan.

"Gentlemen, was that really his object? Is it poſſible to be ſo duped as to believe that his thoughts were bent entirely on relieving the diſtreſſes of others?—That he came down here all the way from London—that he gave a public dinner

to ninety-ſeven Hop-planters, and made ſeveral addreſſes to them, without having any view to his own advantage? Not to mention, that if ſuch had really been the motive of his conduct, it would have made no difference in the preſent Proſecution, becauſe it is not charged in the Information that he did theſe acts for the purpoſe of gaining advantage to himſelf. The ſingle queſtion is, whether he did what is charged, and with the intent imputed to him. Did he not uſe the expreſſions charged, and what for?—Was it not for the purpoſe of raiſing the price? His motives will not enter into your conſideration. If he can ſhow that he was actuated by motives of another deſcription, this topic will be fit to be uſed in mitigation of the puniſhment. But the ſingle point to be conſidered by you, Gentlemen, is, whether he uſed the expreſſions imputed to him by the Information; and if he did, whether he uſed them to enhance the price of the commodity.

"Gentlemen, Mr. Waddington does not ſtop here: he tells his gueſts that he had rode many a mile after the Kentiſh Hop-planters with a heavy heart. You ſee what a tender-hearted Gentleman this Mr. Waddington is, and how deeply affected he is for the welfare of others, weeping over their concerns! He tells the Planters here, that he came weeping alſo into the County of Worceſter in the ſame feeling and compaſſionate manner for their emancipation and relief.

"Gentlemen, you will not much wonder to find the compaſſionate Mr. Waddington, who had expreſſed ſuch very benevolent feelings towards the People, and ſentiments ſo extremely tender towards the Hop-planters in general, you will not be ſurpriſed to find him receiving a proof of their gratitude for all this goodneſs. One of the perſons preſent gets up and propoſes another toaſt. After the applauſe every ſentence of Mr. Waddington's addreſs to the people had received—(for ſuch eloquence was never heard by the

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Hop-planters before—they never heard language ſo inviting, nor arguments ſo powerful and ſo perſuaſive, as fell from the lips of Waddington)—after the advice given by Mr. Waddington to the Hop-planters, and after the firſt toaſt, which received ſo much applauſe, a gentleman propoſes this toaſt—"The Health of Mr. Waddington, as the Saviour of the County of Worceſter." He is here hailed with a character, which undoubtedly I do not mean to ſay was meant in a blaſphemous ſenſe, but as a deliverer from oppreſſion; a character no perſon can gain to himſelf without doing great public benefits. Now, I ſhall only obſerve, with reſpect to this, that it is quite deciſive to ſhow in what point of view the Hop-planters contemplated Mr. Waddington. They conſidered the whole of his conduct and his plans uniformly tended to enhance the price of Hops. That was ſo underſtood by all the Hop-planters preſent: becauſe, in what other ſenſe could he be conſidered as their ſaviour, deliverer, protector, or friend? In what other ſenſe could he be entitled to any of theſe epithets, but in the ſenſe of having done all in his power to raiſe the price of Hops? They did not give him thanks for his dinner, or for his wine; but thanks for his ſpeech and his conduct, his efforts and aſſiſtance to raiſe the price of Hops.

"Gentlemen, Mr. Waddington then ſtates to them that he was not to continue here. He who had received this grand title from the Hop-planters at Worceſter, on his part was to do ſomething which prudence as well as patriotiſm dictated, leſt in his abſence from the city of Worceſter, where he did not live, the hopes or fears of the Planters ſhould operate on their minds, and induce them to deviate from the line of conduct he had ſo ſtrongly and earneſtly recommended to them to purſue. He therefore publicly aſſured them that he would renew his viſit to them in the courſe of three weeks. In three weeks from that time

may

may they look forward to their ſaviour coming a ſecond time to the City of Worceſter. Three weeks was no long time for the Hop-planters to keep their Hops from the market, to withhold their goods from ſale, and reſiſt all the cauſes that might have operated to keep down the market in the interim. They were to look forward to the end of three weeks, the time when he promiſed to return for the ſame purpoſe of keeping up the market. You will not wonder if, in the common courſe of the market, during this interval, the common Dealers were not able to purchaſe in the ſame way as uſual, after this extraordinary conduct of Mr. Waddington, and the general expectation of his ſpeedy return. On the 19th of April, the day when the three weeks expired, a very great concourſe of perſons aſſembled, expecting the arrival of this extraordinary character. When his arrival was a little delayed, you will find what murmurings took place amongſt the Planters, and what was the effect on the market during the ſhort period before he made his appearance; a clear and decided proof what would have been the ſtate of the market if he had never come into the county of Worceſter at all. But, unfortunately for the Public, Mr. Waddington was true to his word; and before the day was expired, he did make his ſecond entry into the city of Worceſter. He arrived to the great joy of the Hop-planters, hailing him with ſhouts of applauſe. He comes into the market; he is inſtantly ſurrounded with a great number of Planters. From thence he goes into a warehouſe belonging to Meſſrs. Yarranton and Phillips, Hop-merchants in Worceſter, and who are his agents. The Planters all follow him. He places himſelf on a ſack of clover-ſeed, to give him the command and ſituation of a public orator. On that *roſtrum* he mounts, and makes a ſecond addreſs to his friends the Hop-planters. He tells them, he was ſorry that ſo many ſamples were reſerved for him; that he was much obliged to them for the preference

they

they had given him, but that he did not come with an intention to buy any Hops that day. He again recommends to them to hold their Hops.

"Gentlemen, you will remember it is a diſtinct charge againſt Mr. Waddington, that he perſuaded theſe people not to bring their Hops to market. I ſhowed you what he did on the 29th of March: I will prove that on the 19th of April he recommended it to the Planters and other Dealers to hold their Hops; but that to thoſe who were determined to ſell (in this inſtance again you ſee his primary intention is to keep up the article, and prevent any ſale, but if that fails, then), he would afford relief. How? By buying from two to three hundred pockets at the price of the day, which was about £.12 10s. *per* hundred weight. That is not all: but in order to plan out a mode by which the hopes of the Planters might be raiſed to look forward to the proſpect of a riſing market; in order to induce the people to hold their Hops and to look forward to a ſuppoſed future advance of the market, he deviſes this extraordinary and ingenious plan. His declared ſyſtem, his own conduct, held out to them that ſuch would infallibly be the caſe. After he had foretold the future riſe of the market, Let us ſee, the planters would naturally ſay, whether he himſelf will act on that ſpeculation;—the beſt teſt of ſincerity is when a man conducts himſelf agreeably to his declarations. The Hop-planters, looking to Mr. Waddington, ſay—You tell us the price of Hops will riſe, but will you now act on that opinion yourſelf? Mr. Waddington is a wiſe, prudent, and intelligent man; he knows what will beſt ſatisfy the minds of people employed in this trade. He tells the Hop-planters, that if they would hold back their Hops for a fortnight, a month, ſix weeks, and two months, he would advance money on them. He told them he would then buy a quantity, which he ſpecified, at £.12 10s. *per* hundred weight, which he conceived

ceived to be the price of that day; and would then contract for other quantities at an advance of ten ſhillings every fortnight from that day till the 14th of June, when he would give £.15 a hundred weight. He propoſed to them a regular progreſſive advance of price, taking on himſelf to fix the rate of it on the 19th of April, at which time it was impoſſible to have foreſeen there would not be an abundant plentiful crop. This is a bounty held out to the Dealers to keep back their Hops from the market; a *premium* of ten ſhillings for every fortnight, and twenty ſhillings the laſt fortnight, for the ſpace of two months: ſo that the amount of this *premium* for keeping Hops for the ſpace of two months was £.2 10*s. per* hundred weight.

"Gentlemen, was there ever ſuch a caſe as this brought into a Court of Juſtice? There is no one argument he did not addreſs to urge the Dealers to offend againſt the public law and ſafety of the community, being himſelf at that very time under proſecution for a ſimilar offence. You are now to ſay, whether in point of fact Mr. Waddington did, by all this conduct, intend to enhance the price of Hops in this market? Whether he urged topics, perſuaſions, words, arguments, and acts, to induce the Dealers to withhold their commodity from the market? Gentlemen, you will find that this plan was carried into execution by a paper drawn out in columns, in which perſons were invited to enter their names, ſpecifying the times and quantities of theſe forehand bargains. The price was to follow as of courſe. The ratio of advance was to continue till the 26th of July. You will find, Gentlemen, that, in conſequence of this plan, he did, in point of fact, engroſs into his own hands, from a numerous body of Planters, who were invited by theſe very powerful and inviting arguments, 7 or 800 pockets of Hops, bought or contracted for at that time. You will find that one perſon, of the name of John Racſter, by ſelling thirteen pockets of

Hops to Mr. Waddington, received a higher price by £.6 than he could get from any other perſon.

"Gentlemen, Mr. Waddington does not ſtop here. In order ſtill further to proſecute his plan, to keep up the expectations of the Dealers, and to induce them to cooperate with him in his great object, he determines on another viſit. By the riſe in the price of Hops in Worceſter, the price might be raiſed in other markets throughout the kingdom, and particularly the London market, and Mr. Waddington get a high price for the great ſtock of Hops he had on hand. His ſpeculations in Worceſter formed but a ſubordinate object. If he could but attain his main purpoſe, it was worth his while to throw away a conſiderable ſum of money here. It would produce a conſiderable effect on thoſe who were buying here, and on thoſe who bought elſewhere. He does not return to ſtay in the city of Worceſter, but, leſt the minds of the Planters might droop after a long abſence, he reviſits this city on the 3d of May, evidently with the ſame purpoſe, and conducting himſelf in the ſame manner. Previous to his arrival you will find a perſon, as I ſhall prove to you, had offered to ſell his Hops to another dealer at £.13 a pocket, and had been offered twelve guineas; I mean William Green: in the mean time the Defendant Mr. Waddington arrives, and buys his whole ſtock at the price of £.15 *per* hundred weight. Now, Gentlemen, could you poſſibly doubt, if the queſtion were, inſtead of being merely reſpecting this intention of Mr. Waddington, whether, by his conduct, the price of Hops was raiſed in point of fact? A man who was about to ſell his Hops at £.13 *per* hundred weight, upon Mr. Waddington's arrival ſells them to him at £.15 *per* hundred weight (that Mr. Waddington who before had given as a toaſt—Hops at £.20 *per* hundred weight) on the very ſame day, and influenced by nothing but Mr. Waddington, and his conduct on the occaſion.

"Gentlemen,

" Gentlemen, you will find another very ſtriking proof what conduct he was purſuing, and what was his purpoſe; it ſhows deciſively that it was no part of his plan to become a *bona fide* purchaſer, nor to deal for any other purpoſe than to raiſe the price. On the 3d of May he was offered, by a Dealer in Hops, that is, a man who buys from a Planter, 200 pockets of Hops, at £.12 *per* hundred weight, to be delivered in May. This offer was rejected, Mr. Waddington declaring he did not want them; and yet to William Green, a Planter, he had given £.15 *per* hundred weight; and ſubſequent to this refuſal he actually did buy, on the ſame day, 300 pockets of the Planters, at a price from £.12 10ſ. to £.15 *per* hundred weight. He was alſo offered thirty pockets more, at £.12, from a Mr. Morris; but Mr. Morris not being a Planter, but a Dealer, this offer was refuſed. In every inſtance the offers of Dealers were rejected, at the ſame time that he gave a larger price, for the ſame article, to the Planters. Why? Is it not moſt obvious? The Planters were the perſons whom he meant to engage in his plans. They were alone invited to his dinner. The Planters were to be made his friends, and to have a common intereſt with himſelf. The Planters were the perſons whom he wiſhed to perſuade to hold back their Hops from the market; and when he could not prevail by perſuaſions, and the hopes of diſtant advantages, then he buys of them, though he will not buy of the Dealers, and to them he gives a much higher price than he can have the ſame commodity for from a Dealer. Does not this afford ſtrong additional proof what the purpoſe of Mr. Waddington was on that as well as on every preceding day?

" Gentlemen, theſe are the facts which I ſhall moſt unqueſtionably prove by reſpectable witneſſes at this Bar. If they are proved to your ſatisfaction, they will infallibly ſubſtantiate the two charges this Information contains.—Did Mr. Waddington come here for the purpoſe? Was his intent in what

he did, to enhance the price of Hops? Undoubtedly that charge conſtitutes an ingredient in every Count in the Information. It is that of which you ought to be convinced, or you ought to acquit him. If, after all this is proved, you can ſay he did not intend to enhance the price, certainly you ought to acquit him, and to let him return into the market as an innocent man. But if he had this intention, manifeſted as it is ſtated in one ſet of Counts, by argument, by reports and repreſentations, and in another ſet by engroſſing into his own hands a large quantity of Hops, ſtill with the ſame great primary object to enhance the price, of which no child can entertain a doubt, unleſs the nature of things is to be changed, and the mind of Mr. Waddington is ſuppoſed to be differently conſtituted from that of other men, you cannot heſitate about your verdict. What Mr. Waddington did ſhows what he meant to do. His words, his actions, his public declarations all ſpeak for themſelves, and ſhow that he could have no other purpoſe than the one with which he is charged in the Information. If Mr. Waddington can ſhow or ſuggeſt any other poſſible motive for what he did, but to enhance the price of Hops; if he can in any way prove that was not his object, he will have an opportunity of adducing his proofs, and they will be attentively heard. But if in the reſult you are convinced on the ſubject of his intent, there is no doubt that he is guilty of the charges imputed to him by this Information. With reſpect to the conſequences of a conviction, it is not your province to conſider—You are not to examine what degree of malignity belongs to this offence. I cannot however forbear ſtating the light in which the antient Law of England conſiders the perſon who is guilty of it. He is deſcribed to be *pauperum depreſſor, et totius communitatis et patriæ publicus inimicus.*—Is it not the greateſt poſſible abuſe of wealth, to be employed in augmenting the diſtreſſes inſtead of promoting the good and benefit of

the

the community? What ſhall we think of a man who makes others poor, in order to make himſelf rich; who accumulates their miſery by withholding from them an article, which he knows to conſtitute one of the neceſſaries of life? If it is allowed to commit this ſort of offence with impunity, if it could ceaſe to be declared an offence, what is to become of the public ſupply in every other article and neceſſary of life? corn, meat, coals, &c. The ſame practices may be purſued, and have been purſued with regard to them: and any individual or individuals poſſeſſing conſiderable wealth, and employing it in the ſame manner as Mr. Waddington, may command the market, and aggravate the diſtreſſes of the public to an infinite extent. God knows they are ſufficiently great already, and the poor have borne them with a patience and reſignation that do them great honour. When we find any individual poſſeſſed of ſuch gigantic power to do miſchief, employ his wealth in this undue and irregular method, he is juſtly deemed the oppreſſor of the poor, and the public enemy of his Country. It is neceſſary for the ſalvation of the community to preſerve it from the bad paſſions of men, and eſpecially the inordinate graſp of avarice. I am afraid I have detained you too long, Gentlemen; but I have not ſtated one word which I do not believe will be fully proved. You have to perform one of the moſt important duties that ever fell to the lot of Gentlemen in your ſituation: a crime of deeper malignity and of more extenſive miſchief cannot occur: there never was in any period a cauſe to which the Public looked with more anxiety to the reſult than the preſent. I do not aſk you to ſtrain the evidence. If this Gentleman can ſhow that he is innocent, in God's name let him do it—let him prove it, and you will be happy to give him your verdict. But if he ſhould not be able to meet the proof of the ſtrong facts I have ſtated (it is a great duty you owe to your Country and to yourſelves

to draw the neceſſary inference by your verdict. By that verdict you will only pronounce the facts charged in this Information to be made out by the evidence to your ſatisfaction:—leaving the Defendant Mr. Waddington to raiſe before another tribunal, if he can raiſe, any queſtion reſpecting the law of the caſe; or to urge any topics in mitigation of the puniſhment of his crime. I am ſorry to have troubled you ſo long, but probably I ſhall not have an opportunity of addreſſing you again; I have no apprehenſions, however, for the iſſue of the cauſe. I cannot doubt what muſt be the ſtate of the evidence, and ſtill leſs of the juſtice which will be done to the parties and the public by your verdict."

EVIDENCE for the PROSECUTION.

WILLIAM PENN, *examined by* MR. MILLES.

Queſtion. Mr. Penn, I believe you were clerk to Mr. Hodges?

Anſwer. I am now.

Q. What is he?

A. He is a Hop-merchant.

Q. Where does he live?

A. In Worceſter.

Q. Does Mr. Hodges attend the Worceſter market?

A. He does.

Q. How many years have you lived with Mr. Hodges?

A. I have lived with him about twelve months; but I lived in Worceſter three years before.

Q. During the time you lived with Mr. Hodges, did you act in the Worceſter market in the concerns of Mr. Hodges?

A. I did.

Q. Did

Q. Did you attend that market regularly during the year?

A. Yes; while I was in Worceſter, unleſs I was otherwiſe employed, I attended the market.

Q. The market is held weekly, I believe?

A. It is; it is held on a Saturday.

Q. It is a very extenſive market for Hops, is it not?

A. Yes, Sir.

Q. The Northern Counties, Liverpool, Mancheſter, &c. are ſupplied principally with Hops from the Worceſter market?

A. It is the market for Liverpool and all parts of the North.

Q. Do you remember, Sir, about March in this year and April, do you remember what the ſtate of the market was? whether it was a riſing or a falling market?

A. In March the Hops fell very low—from 11*l.* to 13*l.*

Q. What was the ſtate of the market on the 29th of March laſt, before Mr. Waddington made his appearance?

A. It was very flat.

Q. From your knowledge of the ſtate of the market, as attending it in the regular courſe, what was the proſpect?

A. There was a proſpect of Hops being lower.

Q. Do you happen to know, at that time or ſince, what the ſtock of Hops was at that time in the country? Was it conſiderable? I aſk you, and you will ſpeak from your knowledge of the ſubject, whether you happen to know if the ſtock of hops at that time was conſiderable?

A. Very conſiderable.

Q. Was it ſufficient, or more than ſufficient, to anſwer the current demand?

A. More than ſufficient.

Q. Did you know at that time, or had you ever ſeen Mr Waddington as a Dealer in the market?

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Q. Did you know at that time, or had you ever ſeen Mr. Waddington as a Dealer in the market?

A. I never ſaw him as a Dealer in the market.

Q. If

Q. If he had been a Dealer in your market, you, being a conſtant attendant there, muſt have heard of his name as ſuch?

A. Evidently.

Q. Did he deal by any other perſon or agent?

A. I never heard that he did.

Q. Now, Mr. Penn, were you in the market when Mr. Waddington made his appearance on the 29th of March?

A. I ſaw him on the 29th of March.

Q. At what time does the market begin?

A. It begins at ten, and increaſes till towards one.

Q. How long does it laſt?

A. It is generally over by two.

Q. So that it laſts from ten to two. At what hour of the day did you ſee Mr. Waddington?

A. Before dinner.

Q. How ſoon after the market had commenced?

A. I conceive it was between twelve and one o'clock.

Q. When you ſaw him, did you hear him ſay any thing, or ſee him do any thing?

A. I heard him ſay the low price of Hops was owing to a proſecution that was inſtituted againſt him.

Q. Did you ſee Mr. Waddington come into the market?

A. I do not know that I did.

Q. Did you know his perſon?

A. Yes, I did.

Q. Now, before you tell the Gentlemen of the Jury what he ſaid, you will deſcribe who were around him.

A. The whole market was round him.

Q. Was the market full? were there many perſons hearing him?

A. A very great number.

Q. Now, what did he ſay?

A. He ſaid that, owing to the proſecution that was commenced againſt him, the price of Hops was lower.

Q. Well,

Q. Well, Sir.

A. But he could aſſure them, on high authority, that Proſecution was dropped.

Q. Very well. Go on.

A. And, of courſe, Hops muſt again riſe.

Q. To whom now did he addreſs himſelf, when he was ſaying that?

A. To the Hop-planters and the people ſurrounding him.

Q. Now you will go on with what you heard him ſay.

Mr. Wigley. My Lord, I object to this evidence. None of this is contained in the Information. Inſtead of proving the rumours and reports, &c. ſtated in the Information, they are now beginning to give evidence of others not mentioned in the Information.

Mr. Plumer. We cannot prove the rumours ſtated in the Information, without ſhowing the *quo animo*, the intent with which they were ſpread.

Mr. Juſtice LE BLANC. Have they not a right to ſhow theſe rumours were ſpread by Mr. Waddington?

Mr. Wigley. My Lord, that is not my objection. The Information charges that he (Mr. Waddington), wickedly intending to enhance the price of Hops, did ſpread divers rumours and reports with reſpect to Hops, &c. Now my objection is, that they are going to give evidence of other rumours, not ſpecified in the Information, and which by themſelves would conſtitute a crime. I ſay, they are not entitled to give ſuch evidence.

Mr. Juſtice LE BLANC. I muſt hear the converſation that was held; and if, after it is heard, it proves none of the facts charged in the Information, I ſhall direct the Jury to pay no attention to it.

Mr. Dauncey. I do not mean to give any trouble on a pledge being given by my Learned Friends, that their examination

tion will be confined to the *quo animo* the ſuppoſed rumours were ſpread.

Mr. Milles to the witneſs. Now, Mr. Penn, having told us that Mr. Waddington addreſſed what he was ſaying to the Hop-planters, and the people ſurrounding him, what did he ſay beſides?

A. He ſaid the ſtock of Hops in the hands of the Brewers was nearly exhauſted, and that very ſoon they muſt come to him, or to the Planters, for their Hops.

Q. Very well.

A. And that Hops would be at £20 per hundred weight, and that they might depend on his aſſiſtance to keep up the price.

Q. Did you hear him ſay any thing more than that?

A. I do not remember that I did.

Q. Do you ſtate the words that he uſed, or only the ſubſtance of what he ſaid?

A. Only the ſubſtance.

Q. Did he ſpeak this loud?

A. He evidently directed his diſcourſe to them.

Q. Did he, beſides ſaying this, give any advice about the market, or about the Hops, or the management of them?

A. I did not hear him.

Q. How long might this addreſs to the people laſt?

A. I heard him uſe the ſame words, or words to the ſame effect, ſeveral times.

Q. You heard him ſay the ſame thing ſeveral times? Now, do you recollect his ſaying any thing about ſelling the Hops?

A. I ſaw ſeveral people offering him ſamples.

Mr. Juſtice LE BLANC. Was that on the ſame day, the 29th of March?

A. On the ſame day, my Lord, in the market, the Hop-planters offered him ſamples.

Mr.

Mr. Plumer. Well, Sir.

A. He told them, if they did not want the money, they had better not ſell, for that they would be a great deal dearer.

Mr. Milles. Go on, Sir, if you pleaſe.

A. Some of them urged him to buy, and he did.

Q. Now, when that was done, did you hear him ſay any thing more? Did he give any reaſons why they ſhould not ſell?

A. Some did not ſell.

Q. Now, in conſequence of what he ſaid, do you know what effect the market felt? Do you know what effect his addreſs to the Hop-planters had on the market?

A. The ſamples on the following market-day—on the Saturday—were fewer, and the Planters were not inclined to ſell.

Q. Do you know any thing in the circumſtances of the Country at that time to produce that effect, except the declarations of Mr. Waddington?

A. No, Sir.

Mr. Juſtice LE BLANC. Did he, in his public addreſs, ſay any thing about ſelling or not ſelling Hops generally?

A. I have told you, my Lord, what I heard.

Mr. Milles. Did you hear him ſay any thing about the growing crop?

A. No, I did not.

Q. Well, now I have done on the 29th of March. Pray, Sir, when did you ſee him next?

A. On the 19th of April.

Mr. Juſtice LE BLANC. That was likewiſe a market-day?

A. Yes, my Lord.

Mr. Juſtice LE BLANC. Did you hear him, on the 29th of March, ſay any thing about his returning on that market-day?

A. No, my Lord.

Mr. Milles. About what time did you ſee Mr. Waddington in the market on the 19th of April?

A. About half after one o'clock.

Q. Before he came had you made any obſervations on the market?

A. There were a vaſt many Hop-planters, and many ſamples; but they waited on purpoſe for Mr. Waddington.

Mr. Dauncey. Requeſt him to confine his evidence to what he knows himſelf.

Mr. Juſtice LE BLANC. There were many Planters, and many ſamples?

A. There were, my Lord; but they were not inclined to ſell till Mr. Waddington came.

Mr. Milles. What was the reaſon of that?

A. There was a public dinner advertiſed.

Q. Did you, on the morning before he came, know of the public dinner?

A. It was generally believed he would come.

Mr. Juſtice LE BLANC. Now tell us what you know, rather than what you underſtood.

Mr. Milles. Before he came, do you know what was the price in the market?

A. There was nothing doing.

Q. You were in the market as uſual, and knew what was paſſing?

A. Yes, I was.

Q. What was doing in the market before he came?

A. Little was doing in the way of buſineſs.

Q. Then from 10 o'clock, till Mr. Waddington came into the market, very little was doing?

A. Very little.

Q. Did you ſee him when he came into the market?

A. I ſaw him about half paſt one.

Q. When

Q. When he came into the market, did he ſay any thing or do any thing immediately?

A. He went into the Warehouſe of Meſſrs. Yarranton and Phillips.

Q. When he came into the market, did you ſee the people do any thing?

A. The people immediately all followed him.

Q. He went into this Warehouſe, followed by theſe Hop-planters, and theſe people—did they, in fact, go with him?

A. Yes.

Q. When he came into this Warehouſe, what did he do and ſay? How did he place himſelf before he ſpoke?

A. When he was in the Warehouſe, he ſaid he was ſorry that ſo many ſamples were reſerved for him.

Q. Did he ſay that loud?

A. Yes.

Q. To whom did he addreſs himſelf?

A. To the Planters. And he ſaid he was much obliged to them for the preference they had given him, but that he did not come with an intention of buying.

Q. Go on.

A. He then got up on ſome ſacks. There were ſeveral ſacks in the Warehouſe.

Q. It is a large Warehouſe, I ſuppoſe?

A. Not very large. It might hold 30 or 40 people, and the place was completely full. He pulled a paper out of his pocket, ruled in columns. He ſaid, on that day he would purchaſe 200 pockets of Hops at £. 12 10*s.* per hundred weight, and 200 pockets each ſucceeding fortnight, advancing each day.

Mr. Juſtice Le Blanc. Did he ſay at what advance?

A. He did ſay at what advance, but I forget. The advance

vance was to increaſe till the price came to £. 15 per hundred weight.

Mr. Milles. Well.

A. He then went into the Counting-houſe of Meſſrs. Yarranton and Phillips, and deſired thoſe who were diſpoſed to ſell at any of theſe different dates he had marked out, to write down their names, and the quantity they had got to ſell. That is all, my Lord, that I remember. I know he ſaid more, but I do not remember what it was.

Mr. Juſtice LE BLANC. Very well.

Mr. Milles, Do you know what paſſed on the 3d of May?

A. No. I do not.

Croſs-examined by Mr. DAUNCEY.

Q. How long, Sir, have you been employed at all in the Hop-trade?

A. I have been always where Hops have been ſold.

Mr. Dauncey. That is the caſe of every man in Worceſter.

Witneſs. I have been in the way of the Hop-trade about ſeven years, but I was only the laſt year in the regular Hop-trade.

Q. And, during that year, you have lived as a ſervant with a gentleman of the name of Mr. Hodges?

A. Yes, Sir.

Q. What is he?

A A Hop-merchant.

Q. What is the courſe of that trade? He is a middle-man, is he not, who buys of the Hop-planters or Growers of Hops, and ſells them to other perſons, which other perſons ſell them again?

A. Exactly

A. Exactly ſo.

Q. Mr. Hodges buys by wholeſale, ſells out again by wholeſale, and the perſons to whom he ſells diſtribute them to the ultimate conſumers. Now, to what amount of pockets may he purchaſe in a year?

Witneſs. My Lord, am I to tell what I know reſpecting my employer's buſineſs?

Mr. Plumer. My friend, Mr. Dauncey ſeems to be entering on a mode of examination, to ſhow that this perſon is an engroſſer of Hops; and therefore I object to it.

Mr. Dauncey. My Lord, I hope you will permit us to purſue this line of examination. All I wiſh to know is the nature of this trade, in the courſe of which Mr. Waddington is ſuppoſed to have committed an offence.

Mr. Juſtice Le Blanc. If you aſk him to give you an account of the dealings of his maſter, I cannot take it. But there is a pledge which I am always ready to take; and that is, that you mean fairly to make it apply. At preſent I am not able to ſee how it applies to this caſe. I muſt ſay the Witneſs is juſtified in not deſcribing the extent of the dealings of the perſon with whom he lives.

Mr. Dauncey. I did not mean that a proſecution ſhould be inſtituted againſt Mr. Hodges, or to inſinuate it, or any thing like it; but I merely want to know what the courſe of the Hop trade is, that I may ſee how Mr. Waddington has offended againſt it, and how his conduct is of that extraordinary nature my friend has deſcribed.

Mr. Juſtice Le Blanc. If you want to inquire what a Hop-merchant is, you have it. You may inquire what he is, but it is plain he is a perſon who buys and ſells Hops.

Mr. Dauncey. I underſtand it has been the practice to inquire into the regular courſe of dealing, when a party is charged with an offence by having departed from it.

Mr. Juſtice Le Blanc. I ſee no objection to inquiring into

it, if you think it wants any inquiry. I underſtood you to inquire into the particular mode and extent of the dealings of Mr. Hodges.

Mr. Dauncey. I aſked him as to the dealings of Mr. Hodges, becauſe it is from them that he knows what the regular courſe of the trade is; it is from them that he derives all his knowledge on the ſubject.

Mr. Wigley. In a caſe that came on before Lord Kenyon, ſome time ago at Guildhall (the caſe of the King *v.* Ruſby for regrating), an inquiry was made into the nature of the trade.

Mr. Juſtice LE BLANC, *interpoſing.* Mr. Wigley, I am not objecting to it.

Mr. Wigley. They aſcertained what the nature of the complaint was; how corn was ſold on the Corn Exchange, and the quantity ſold by different perſons. Now, in the buſineſs of the Hop-market, we wiſh to know whom the Hop-merchants buy of, what quantity they buy, whether they are buyers or ſellers in groſs, &c.

Mr. Juſtice LE BLANC. I have no objection to your aſking whether Hop-merchants buy in groſs and ſell in groſs. Mr. Dauncey, if you pleaſe, put the queſtion; and then the Gentlemen on the other ſide will have an opportunity, if they think proper, of objecting to it.

Mr. Plumer. All that I wiſh to know is, what you mean to prove. I mean to object, whenever you offer any head of evidence for the purpoſe of ſhowing there were other perſons, beſides Mr. Waddington, who committed one of the offences with which he is charged.

Mr. Juſtice LE BLANC. The Gentlemen will not diſpute this—that, ſuppoſing it to be an offence, it is no excuſe to one man for committing an offence, that there are a hundred who have committed it before him.

Mr.

Mr. Plumer. Nor can it be received in evidence, to ſhow that he has committed an offence.

Mr. Juſtice LE BLANC. I apprehend that we are arguing a point which I dare ſay will never arrive. I dare ſay Mr. Dauncey will never urge that. Put the queſtion, if you pleaſe.

Mr. Dauncey. I am not ſure that I recollect what the queſtion was. I believe I was aſking the witneſs as to the extent of the dealings of Hop-merchants. A Hop merchant is a man, is he not, who goes to market and buys largely, and diſtributes afterwards by ſelling to others?

A. He is.

Q. Now, from your general knowledge of the trade, to what amount may Hop-merchants buy in the market in the courſe of a year?

A. Some may buy to the amount of 1000 pockets in the year, and ſome leſs, and ſome more.

Q. Now, Sir, you have ſaid ſomething on the price of Hops—pray can you recollect at all what the price of Hops was in January in this ſame year?

A. They were higher. They were from £. 15 to £. 16, and I believe approaching to 16 guineas.

Q. I think you ſaid, when Mr. Waddington came down the market was flat?

A. The price of Hops was only from £. 11 to £. 13 at that time.

Q. Now in February whereabouts might they have been?

A. They were about the ſame price, from £. 15 to £. 16 at the beginning of that month.

Q. Did they continue at the ſame price during the month of February?

A. They had ſunk near the end of the month of

February; but I was on a journey at that time, and I do not know what the price of them was in the market.

Q. In the month of March did they continue much the ſame as in February?

A. Towards the latter end of February, when I came home, they were lower.

Q. How much? Do you know at what price they ſold in the end of February?

A. I do not.

Q. At the beginning of March, where were they?

A. They were about 13 guineas.

Q. What do you call the beginning of the month?

A. On the 8th or 10th they were at 13 guineas.

Q. Now the 29th day of March, I think, was the day when you ſay you ſaw Mr. Waddington, and then Hops were from £11 to £13.

A. I believe they were.

Q. Now, Sir, you have ſaid that at that time the ſtock on hand was very conſiderable?

A. It was.

Q. That was ſo, Sir, was it?

A. It was.

Q. That you know?

A. Yes.

Q. Now the crops of the preceding years had been limited? We are now ſpeaking of March 1800—And I am aſking you, whether the crops in the preceding years had been abundant?

A. There was a great ſtock on hand, but the crops of antecedent years were not abundant.

Q. How long had the crops been otherwiſe than good?

A. I came only into the regular trade laſt year. The antecedent crop I know had not been good. It had been a bad crop.

Q. Do

Q. Do you ſpeak from general knowledge, or from the quantity there was on hand?

A. From my general knowledge, and not merely from what Mr. Hodges may have ſaid.

Q. I do not know whether you know enough of the trade to know that crops fluctuate?

A. No, I do not.

Q. It is common. I only aſk, whether you happen to know or not, where there has been a bad crop the antecedent year, whether it is uſual to have a good crop the year following?

A. I never heard it.

Q. Or every third year?

A. Hops are never certain.

Q. Of courſe they are liable to great fluctuations in price?

A. They are.

Q. Do you know nothing, then, of the periodical returns of a particular inſect?

A. I never knew that there was.

Q. Or that there was any inſect that affected Hops at all, perhaps?

No anſwer.

Q. Now the particular words uſed on the 29th of March you do not affect to give us—the ſubſtance only you give us?

A. The ſubſtance I gave you.

Q. Did you hear all that paſſed at that time?

A. All that I can remember to have paſſed I have ſtated.

Q. I aſk, whether you heard all that paſſed?

Mr. Juſtice LE BLANC. Was there any thing that paſſed that you did not hear?

A. I dare ſay there was, my Lord. I was obliged to go about.

Mr. Dauncey. At the time you heard this, did you continue in the ſame place?

A. I was as cloſe to him as I am now to you. (*About the diſtance of four or five yards.*)

Q. Then you left the place and went home?

A. Yes.

Q. Now on the ſecond day of his coming here, on the 19th of April, he expreſſed his ſorrow that ſo many ſamples were reſerved for him, and ſaid that he did not come as a buyer? He ſaid ſo?

A. Yes.

Q. When he did buy in the way you have mentioned, advancing at a future period, he was to pay not immediately, but afterwards?

A. He was to pay when the Hops were delivered.

Q. The price advanced, but in what proportion you cannot tell?

A. No, I cannot.

Q. But he was to pay on the delivery?

A. He was. And the price was higher, becauſe the delivery was not to take place till a future day. He ſaid he would buy 200 pockets that day; but whether he bought them or not, I do not know. Mr. Waddington ſaid he would give the market price for 200 pockets, which he conceived to be £12 10*s.*

Q. Can you take upon yourſelf to ſay, what quantity of Hops was in the market that day by ſample?

A. There was a very large quantity.

Q. It was a large market?

A. Yes.

Q. What do you call a common market?

A. Perhaps, in a common market, there are not more than 30 or 40 pockets, at that time of the year.

Mr.

Mr. Juſtice LE BLANC. At that time were there 40 pockets?

A. No, my Lord. There were 50 or 60 pockets, if they had been brought on the market.

Q. Sir, that is not my queſtion. How many were there by ſample?

A. I do not know.

Re-examined by MR. MILLES.

Q. You ſay, Mr. Penn, the preceding crop was not good?

A. No.

Q. But the ſtock on hand was conſiderable?

A. Yes.

Q. Do you know the reaſon of that?

A. I conceive the reaſon to be this, that the laſt crop of barley was alſo very bad, and therefore it was not ſomuch uſed by the brewers.

Mr. Juſtice LE BLANC. That you conceive to be the reaſon? The demand being leſſened, the ſtock was large?

A. Yes, my Lord.

WILLIAM HARWOOD, *examined by* MR. MALEY.

Q. Mr. Harwood, do you live in the city of Wceſter, Sir?

A. I do, Sir.

Q. What is your profeſſion or buſineſs?

A. I am a grocer.

Q. Were you at the Hop-market on the 29th of Irch?

A. No, Sir.

Q. Were you there on the 19th of April?

A. Yes, Sir.

Did

Q. Did you ſee Mr. Waddington?

A. I did.

Q. About what time of the day did you go to the market?

A. About half-paſt twelve.

Q. Had you been accuſtomed at other times to go to the market?

A. Not regularly.

Q. At what time of the day did Mr. Waddington come on the market?

A. I believe it was near one.

Q. What ſort of market did it appear to you to be?

A. It appeared to be an extremely full one. I never ſaw ſuch a market there before, though I have occaſionally attended it.

Q. Now, Sir, when Mr. Waddington came there, what did he do?

A. He went into a warehouſe belonging to Meſſrs. Phillips and Carrenton.

Q. Did he place himſelf on any thing, and what?

A. After ſome little time he retired into the counting-houſe; and then he came out again, and placed himſelf upon a bag.

Q. He placed himſelf on a ſack, did he?

A. I am not poſitive whether it was a ſack, though I believe was?

Q. Now, Sir, will you tell us what you heard him ſay?

A. He addreſſed thoſe who were Planters, who I believe to be Hop-planters, by ſaying that he was very much obliged to them for the compliment they had paid him by their attendce—by meeting him there.

M. Juſtice LE BLANC. Do you know thoſe who were there?

A. I know ſeveral of them to be Hop-planters.

M. Juſtice LE BLANC. Very well.

A. Mr. Waddington ſaid he was afraid they would

be diſappointed, for that he did not come down that day to buy any Hops of them at all. He ſhould be very ſorry to diſappoint them, and therefore he had hit upon a plan which he hoped would meet their wiſhes.

Mr. Manley. Well, Sir.

A. He ſaid he was willing to buy that day 200 pockets of Hops at £12 10*s.* which he conceived to be the market price of the day; that he would buy 200 pockets for each ſucceeding fortnight, for the ſpace of two months—

Q. Well, Sir.

A. Advancing the firſt fortnight 10*s.* per hundred weight, the ſecond fortnight 10*s.* more, the third fortnight 10*s.* more, and the laſt fortnight 20*s.* till the price came to £.15. Mr. Waddington then produced a paper with different columns, and requeſted the Planters who were diſpoſed to ſell on that day, to write their names in the reſpective columns, and the quantity they wiſhed to ſell.

Q. Did any write their names?

A. I did not ſee them. He went into an adjoining room, and I ſaw ſome following him.

Q. How many might follow him?

A. I do not know.

Q. About how many?

A. There were ſix or ſeven, I think. He very ſtrongly recommended it to the Planters to hold their Hops as long as poſſible, for he was fully ſatisfied they would be higher.

Q. Did he ſay, Sir, why Hops would be higher?

A. I do not recollect that he aſſigned any reaſon for it.

Q. Well, Sir; he ſaid, that Hops would be higher?

A. He ſaid, he expected they would be much higher.

Q. Well, Sir.

A. I do not recollect any thing more.

Croſs-

Croſs-examined by MR. WIGLEY,

Q. You were near him at this time?

A. I was very near him.

Q. He ſtrongly recommended to them not to ſell their Hops? You were near enough to hear that, and every thing that paſſed?

A. Diſtinctly ſo.

Q. You do not recollect his aſſigning any reaſon for ſaying that Hops would be higher?

A. No, Sir.

Q. You are a grocer in this town?

A. I am.

Q. I believe you alſo deal in Hops?

A. I deal in very few.

Q. You ſell, I preſume, as a retail dealer?

A. Yes.

Q. Buying from thoſe who call themſelves Hop-merchants?

A. I more frequently buy of the Planters. I do ſometimes buy of thoſe gentlemen who call themſelves Factors, or Hop-merchants.

Q. You know it is the nature of their buſineſs to buy of the Hop-planters, and ſell again in this place?

A. I do not know that they ſell again in this place, but they do ſell again.

Q. The courſe of the trade of a Hop-factor, or Hop-merchant, is to purchaſe Hops of ſome Planter, and to ſell them again to you and to other gentlemen. It is another part of their buſineſs, is it not, to buy Hops in the market here, and to ſend them to London, Liverpool, and other parts?

A. I believe it is, though I am not certain.

Q. Now,

Q. Now, Sir, when Mr. Waddington came, you ſaid it was about one o'clock?

A. Yes.

Q. Can you form any judgment of the quantity of ſamples in the market?

A. Not at all. It was a very full market.

Q. I ſuppoſe you know many of the reſpectable gentlemen of the County who are Hop-planters?

A. I know ſome of them.

Q. From the number of the gentlemen you ſaw there you could ſay it was a large market?

A. It was.

Q. Mr. Waddington, you ſay, went immediately to the warehouſe of Meſſrs. Yarrenton and Phillips?

A. He might ſpeak to two or three perſons in his way, but he did not make a ſtay for any length of time.

Q. He then went to the warehouſe. Did you not hear any gentlemen deſiring him to come there?

A. I did not; but as many as could get into the warehouſe then followed Mr. Waddington.

Q. Did you go into the counting-houſe?

A. No, Sir, I did not. I remained at the door of the warehouſe.

Q. Then you did not hear what paſſed there?

A. No, Sir.

Q. When he came out of the counting-houſe, there was a number of ſellers wiſhing him to buy, was there not?

A. I do not recollect there was any offer made to him. I believe he immediately came from the counting-houſe, and got upon the ſack.

Q. Do you mean to ſay that no Hops were offered to him in the courſe of that day?

A. I do not recollect. I think he told them he had not

come down that day to buy Hops—he had not come with an intent to buy them.

Q. The price that he offered was £12 10*s.*

A. It was. He ſaid he conceived that was the market price of the day; and the other prices advanced according to the extent of the credit.

Q. The Hops were to be delivered at each appointed time?

A. I apprehend ſo. I did not ſee him buy any.

Q. Now do you know enough of Hops to know whether they loſe in weight by ſtanding, particularly when the weather is warm?

A. I never made experiment, but I underſtand they do.

Mr. Juſtice LE BLANC. That they loſe in weight by keeping in warm weather?

A. I underſtand ſo, my Lord, but I never made this experiment.

JAMES TAYLOR, *examined by* MR. DOWDING.

Q. Mr. Taylor, are you a Hop-planter?

A. No, Sir; I am a Grocer, living in this City.

Q. Were you in the Hop-market on the 29th of March laſt?

A. Yes.

Q. Had you Hops for ſale?

A. Yes.

Q. Were you in the market?

A. I was in the market from ten in the morning till one.

Q. Did you ſee Mr. Waddington?

A. Yes.

Q. Had

Q. Had you been there for ſome time before you ſaw him?

A. Yes.

Q. Had you been there before Mr. Waddington arrived?

A. Yes.

Q. How long?

A. Two hours and more.

Q. You had Hops for ſale to any body. Did any body look at them? Did any merchants look at your Hops?

A. No. They did not.

Q. You ſhowed them to Mr. Waddington?

A. Yes. People out of the country looked at them.

Q. You had computed what they were worth. What did you aſk for them?

A. I aſked thirteen guineas for them.

Q. This was on the 29th of March?

A. Yes.

Q. Were you preſent when Mr. Waddington ſaid any thing in the market-place?

A. Yes. I was.

Q. What did you hear him ſay?

A. I heard him ſay to the Planters, and to me—he told them, that Hops would be dearer; but that if they were determined to ſell them, he would buy them of them.

Q. That was not ſaid privately to you?

A. He ſpoke to me, but it was loud enough for all the market to hear it.

Q. Beſides that, did you hear him ſpeak to the market in general?

A. He ſpoke loud enough for all of them to hear, and there was enough of them. They were like a puppet-ſhow in the market.

Q. His repreſentations were, that Hops would be dearer? Did you offer him your Hops?

A. I did; and he aſked me if I was a Planter, and I told him I was not.

Mr. Juſtice LE BLANC. Was that upon your offering him your Hops?

A. Yes, my Lord.

Mr. Dowding. What did he ſay more?

A. He ſaid he did not buy Hops of dealers; but, if I was diſtreſſed for the money, he would buy them of me, and give me £.13 a hundred weight for them: but that I had better hold them, for that they would be dearer.

Q. Did you ſell them to him?

A. I did.

Q. For what?

A. For £.13 6s.

Mr. Juſtice LE BLANC. How many were there of them?

A. To the beſt of my recollection, my Lord, ſix pockets.

Mr. Dowding. Did you hear him ſay any thing about the ſtock of Hops there was in the Country?

A. I do not know that I did. I was no longer with him than I ſold him my Hops. I could not get nearer him for the croud of people.

Q. What price would you have taken for your Hops before Mr. Waddington came into the market?

A. Hops were very flat, and nobody offered me any thing.

Mr. Juſtice LE BLANC. He has told you the ſtate of the market, in anſwer to the queſtions you have put to him. But can you make evidence of what he in his own mind would have taken? It is not evidence. I do not ſee how I can take as a fact what he thinks in his own mind he would have taken for his Hops if Mr. Waddington had not come on the market.

Mr. Dauncey,

Mr. Dauncey. Mr. Waddington offered him £13 for his Hops; he aſked thirteen guineas, but ſold them at laſt to him for £.13 6*s.*;—that is the evidence.

Mr. Juſtice LE BLANC. If he had offered theſe Hops, before Mr. Waddington came, at £.13, or any other ſpecific price, that would have been ſomething.

Mr. Dowding to the Witneſs. Had you offered to ſell before you ſaw Mr. Waddington.

A. Yes. I had offered them to two or three people. I aſked thirteen guineas for them, but I would have taken leſs.

Mr. Juſtice LE BLANC. I do not feel that I am to take this down, unleſs he had offered them at ſome price.

Mr. Plumer. It is very fair in every man to get as much as he can for his commodity.

Mr. Dowding. Were you near enough to hear what Mr. Waddington ſaid to the people?

A. In every part of the time I was.

Q. What did he ſay to them?

A. He adviſed the Planters, and me likewiſe, to hold the Hops—they would fetch more money.

Q. Did he give you any reaſon why he thought they would bring more money?

A. He ſaid they would pay us the money good for keeping. I do not know that he mentioned any particular reaſon for thinking they would be higher. I ſaid, I would rather that he had them than me.

Q. Did he ſay any thing of the ſtock in hand?

A. I do not recollect that he did.

Q. Did he adviſe you privately to keep your Hops?

A. He addreſſed me, and ſpoke as I am now ſpeaking. He ſaid, if I was not diſtreſſed for the money, I had better keep them; but that if I was, he would buy them of me.

Croſs

Croſs-examined by Mr. PEAKE.

Q. Did Mr. Waddington firſt apply to you, or you to him?

A. I applied to him, as a ſeller of the commodity.

Q. He ſaid he would not buy your Hops?

A. He aſked me if I was a Planter, and I told him I was not.

Q. How much did he offer for them?

A. He offered £13 a hundred; and I aſked them thirteen guineas.

Q. Did Mr. Waddington rapidly pay down the thirteen guineas which you aſked; or did he, like moſt other people, offer you leſs?

A. He offered me £13, and I ſold them to him at £13 6*s.*

Q. Did Mr. Waddington adviſe you not to ſell your Hops till you had addreſſed yourſelf to him?

A. No. He did not.

Mr. Dowding. He was addreſſing the people before you ſpoke to him, was he not?

Mr. Peake. That does not ariſe out of my croſs-examination.

Mr. Milles. Yes, it does.

Witneſs. I did not give him much time to let him ſpeak to any body. I offered him my Hops as ſoon as I could.

THOMAS WEAVER *examined by* Mr. SCOTT.

Q. Mr. Weaver, you are maſter of the Hop-pole Inn in Worceſter?

A. Yes, Sir.

Q. Do you remember Mr. Waddington being here on the 29th of March laſt?

A. Yes,

A. Yes, Sir.

Q. Did he give you any directions, and what, to make any preparations?

A. Mr. Waddington came to my houſe on the 28th of March. His partner, Mr. Warwick, and Mr. Yarrenton, came to my houſe along with him.—He aſked me, whether I could prepare a dinner, the next day, for a number of his friends? I told him I could.—He told me he would let me know about the number.—He called again himſelf—He ſaid there would be 60 or 70, 80 or 90, or there might be 100; and that he would pay for 50 gentlemen for certain.

Q. Was a dinner provided?

A. Yes.

Q. Did they dine?

A. They did.

Q. What was the deſcription of perſons?

A. He ſaid he was going to the market to his friends the Planters; he did not care how many there were, he would pay for the whole of them.

Q. Did he give any directions, and what, about what ſhould be done—about who ſhould be admitted?

A. Not at that time.

Q. Did he after that?

A. Yes. When I went into the market I told the Hop-merchants of this dinner. I thought his intention was, that they ſhould dine with him as well as the Planters. Mr. Waddington came out of the market on Saturday about 12, and ſaid to me, "You have committed a miſtake; I deſire none but Planters to dine with us; I have ſomething particular to communicate to them."

Q. Did he give any directions about any written notice?

A. Yes, Sir, he did. I told him I had aſked a number of the Hop-dealers as well as Planters to dine with him. I

aſked

aſked him, if I had not better put a written paper over the door to prevent them from going in? He ſaid, "Yes," for that he did not chooſe to admit any but the Planters.

Q. And was there ſuch a written paper put over the door accordingly?

A. My young man wrote on a piece of paper—"NONE BUT PLANTERS ADMITTED," and that was put over the door.

Q. How many Planters ſat down to dinner?

A. Ninety-ſeven. At firſt there were 95, and two came in afterwards; and Mr. Waddington paid the bill for them all the next morning (being Sunday) before he left town.

Q. Now, as ſoon as dinner was over, do you remember any thing remarkable that paſſed?

A. I remember, when I put the wine on the table, the firſt toaſt that was given was "THE KING."

Q. Who gave that toaſt?

A. Mr. Waddington himſelf from the chair.

Q. Do you remember any remarkable toaſt being given?

A. I remember Mr. Waddington giving as a toaſt, "HOPS AT £ 20 PER HUNDRED WEIGHT."

Q. Now, how was that toaſt received?

A. It was very well received—It met with the high approbation of all the company.

Q. Now, what did Mr. Waddington do after this?

A. He had a converſation with the Planters when I was there. He ſaid, he would convince them that by coming down to Worceſter he was their friend.

Q. Did he do this ſitting?

A. No. He ſtood up for a conſiderable time, and told them he would convince them that his coming down to Worceſter was to ſerve them more than to put money into his own pocket.

Q. Did

Q. Did he ſay any thing to them reſpecting the market at Worceſter?

A. He ſaid he would convince them, before he left the room, that they had not had a fair price for their Hops.

Q. Did he ſay to what price the Hops would be raiſed?

A. He ſaid he had no doubt they would be at £ 20; and that, in a very ſhort time, the brewers would be obliged to come either to him or to ſome of his agents.

Q. He ſaid the brewers would be ſhortly obliged to come to him or his agents. Did he ſay why the brewers muſt come to him or his agents?

A. He ſaid the ſtock was nearly exhauſted. He ſeemed to know the length of time, but I do not recollect it.

Q. What further paſſed?

A. There was not much more converſation during the time I was there. He recommended it to them to hold their Hops; but if any Gentlemen were diſpoſed to ſell their Hops, he would buy them, and would give them £ 12 10*s.* per hundred weight; but he recommended it to them to hold them.

Q. Did he ſay any thing about a Warehouſe or a Bank?

A. He ſaid, he liked the City of Worceſter ſo well, that he ſhould like to build a warehouſe in which they might depoſit their Hops, rather than that they ſhould ſell them at a reduced price.

Mr. Juſtice LE BLANC. Tell us what he ſaid?

A. He ſaid he would build a warehouſe; and ſooner than that they ſhould be obliged to ſell them at a reduced price, he would lodge them in the warehouſe.

Mr. Scott. Was there any thing ſaid about a bank?

A. There was ſomething ſaid about a bank; but I do not remember that, as I was going backwards and forwards.

Q. Do you remember him ſaying any thing about the Kentiſh Hop-planters?

A. He ſaid he had followed the Kent Planters, and had overtaken them on the road to the Borough, going to ſell their Hops to the factors.

Mr. Juſtice LE BLANC. Well.

A. That, from the want of money, they were obliged to ſell them, when they themſelves were convinced they would be at a higher price.

Q. Did he ſay any thing more?

A. He ſaid he had ſeen theſe Hops, a ſhort time after, ſold, by the factors, at a very advanced price.

Mr. Scott. Go on.

A. I do not recollect him ſaying any thing more.

Q. Do you recollect him ſaying any thing about the ſcarcity of Hops?

A. No more than I ſaid before, that they would be obliged to come to him.

Q. Now, Sir, do you recollect any body elſe giving any toaſt?

A. I remember Mr. Chambers giving "MR. WADDINGTON."

Mr. Juſtice LE BLANC. Is he a Planter?

A. My Lord, he is a large Planter in Herefordſhire, and invited Mr. Waddington to come down to the enſuing election.

Mr. Scott. What was the toaſt?

A. He gave "MR. WADDINGTON."

Q. Do you recollect the words in which he gave the toaſt?

A. No, Sir, I do not.

Q. Did he ſay any thing about the then growing crop of Hops?

A. No, Sir, I cannot ſay any thing to that.

Croſs-examined by Mr. DAUNCEY.

Q. Mr. Weaver, you are the maſter, we all know, of the

Hop-pole Inn; and when you heard all this, you do not ſeem to have been attending to your own buſineſs with your uſual care and diligence. You were the maſter of the houſe, and had the management of every thing relating to the dinner.

A. The wine was then on the table.

Q. But you were then minding your buſineſs?

A. I was then drinking a glaſs of wine.

Q. They were all people that were uſed to come to Worceſter, here; and knew what a good dinner they might have at your houſe?

A. The people who came to the dinner were the Planters who uſually attend the Worceſter market.

WILLIAM YARRENTON, *examined by* Mr. PLUMER.

Q. Mr. Yarrenton, I believe you know Mr. Waddington?

A. Very well, Sir.

Q. You are employed by him as his agent on the ſubject of Hops?

A. I am employed by Mr. Waddington to take in his Hops in this city.

Q. When did your connection with him commence, Sir?

A. I have been connected with him in buſineſs for twelve months.

Q. You remember his coming down to Worceſter on the 28th of March?

A. Yes, Sir; he ſtaid till the Sunday morning afterwards. I ſaw him on the Friday and Saturday, but I did not ſee him on the Sunday.

Q. Now, Sir, while he was here, I preſume he was a good deal in your company?

A. He was in my company a part of the time.

Q. As you were connected in buſineſs with him, he was a good deal with you?

A. I ſold him ſome Hops, and he was a good deal with me.

Q. Now, before he went to the market, on Saturday the 29th of March, did you ſee him?

A. Yes, I believe I ſaw him.

Q. Had you occaſion to buy any Hops on that day.

A. Yes.

Q. Who is your partner?

A. Mr. Phillips.

Q. Now, before Mr. Waddington went to the market, and before you bought any Hops, had you any talk with him on the ſubject?

A. I was at the market before I ſaw him.

Q. But, before he came to the market, do you recollect his telling you where he was going, and for what purpoſe?

A. Not at that time.

Q. Afterwards did he?

A. Yes, he ſaid he intended to buy ſome Hops on the market.

Q. Did he give you any advice on the ſubject of buying Hops?

A. He ſaid he thought the Hops would be dearer.

Q. The queſtion was, whether he gave you any advice on the ſubject of buying Hops?

A. He had not then been on the market, and I had not ſeen him.

Q. Now, Sir, did he give you any reaſon why he thought Hops would be dearer?

A. None, Sir; none in particular. He intended being the buyer of ſome Hops in the market.

Q. Now, Mr. Yarrenton, I deſire that you will recollect yourſelf, and remember that you are upon your oath. What expreſſion did he uſe about giving ſomething to the market.

A. He did not explain to me what he meant to do.

Q. Though you are his agent?

Mr.

Mr. Dauncey. He has not ſaid he was his agent. He ſaid he was employed by him to take in his Hops.

Mr. Juſtice LE BLANC. I have written down that he was employed by Mr. Waddington in taking in his Hops in this place, and that he had been thus employed by him twelve months ago.

Mr. Plumer. I muſt beg of you, Mr. Yarrenton, to come back again to where I was aſking you, with reſpect to the advice he gave you before he himſelf went to the market. He told you that Hops would be dearer, and adviſed you to buy. Do you remember any expreſſion he uſed before he went to the market? Pleaſe to recollect, Mr. Yarrenton, at leaſt what you are ſaid to have declared to others. Did he not make uſe of ſome expreſſion of what he intended to do to the market?

A. Not that I recollect.

Q. Mr. Yarrenton, you are ſpeaking here in a place, where you muſt recollect what you have ſaid yourſelf about it?

A. I do not remember every word.

Q. I do not aſk you every word, but I aſk you whether he did not uſe a particular expreſſion of what he intended to do to the market, when he came here? I am not aſking whether he intended to buy Hops. The queſtion put to you is, what he ſaid he intended to do to the market? Now try your recollection.

A. I do not recollect any thing particular that he ſaid he would do to the market.

Q. You ſwear that, do you?

A. Yes, I do.

Q. He did not give you any reaſon why he expected the market would be higher?

A. Not that morning.

Q. At ſome other time, then?

A. I

A. I have heard him ſay the ſtock of Hops was ſmall and nearly exhauſted.

Mr. Juſtice LE BLANC. When did he ſay that?

A. I do not recollect.

Q. Was it at that time, or on that viſit?

A. No, my lord, not on the 29th of March.

Q. At what viſit was it?

A. I think it was the next time he was down, my Lord.

Q. You think he ſaid the ſtock of Hops was ſmall, and nearly exhauſted?

A. Yes, my Lord.

Mr. Plumer. When was that ſaid, that the ſtock of Hops was ſmall, and nearly exhauſted?

A. I believe it was the ſecond time he was down.

Q. Do you mean to ſay, he did not ſay that the firſt time he was down?

A. Not to the beſt of my recollection, I cannot recollect every word.

Q. But you may recollect, perhaps, ſome words, that you may have ſaid to other people. Did he ſay any thing about the crop?

A. No. Nobody could then ſay what ſort of a crop it would be.

Q. That I underſtand. The preceding crop had been a bad one; I mean the crop of 1799?

A. Yes, Sir.

Q. It had been a ſcanty crop?

A. Yes. We have not had a good crop ſince the year, 1794.

Q. Was the crop of 1797 a bad crop?

A. It was three parts of a crop?

Q. The duty on Hops in the year 1797 amounted to 157,000l., was that three-fourths of a crop?

Mr. Dauncey. It is neceſſary to know what crop you mean

mean—whether the crop of the kingdom at large, or of Worceſterſhire.

Mr. Plumer. I am ſpeaking of the crop of the kingdom at large. Now, Mr. Yarrenton, do you remember, except the crop of the year 1794, a better crop than that of 1797 for the laſt twenty years?

A. The Hop-plantations have been increaſing the laſt eight or ten years.

Q. Now, to return a little to Mr. Waddington, and your converſation with him—Did you go on the market and buy any Hops that day?

A. Yes, Sir, I did.

Q. Was that before or after Mr. Waddington had been upon the market?

A. Some before, and ſome after.

Q. How much before, and what after?

A. I cannot ſay.

Q. How much did you buy after he addreſſed the people?

A. I cannot ſay how much I bought after he addreſſed the people, but I bought that day not leſs than 60 or 70 pockets; that is, on the 29th of March.

Q. But you will not ſwear you bought one ſingle pocket after he had been in the market?

A. I do not recollect the time when he came on the market.

Q. Now, Sir, you ſaw Mr. Waddington on the market that day?

A. Yes, Sir.

Q. Did you ſee him when he was in the act of ſpeaking to the Hop-planters?

A. I ſaw him talking to the Planters, but I did not hear him.

Q. Do you mean to ſay you were not near enough to hear any thing he ſaid?

A. No.

A. No.

Q. Did you that day hear him ſay any thing to the Hop-planters?

A. I do not particularly recollect that I did. I was in the counting-houſe before he ſpoke to them, but I was not there when he ſpoke to them.

Q. Do you mean to ſay, that on no part of that day you ſaw Mr. Waddington and the Hop-planters, or heard what he ſaid?

A. I heard him talking to them about Hops.

Q. When was it that you heard him talking to them about Hops?

A. When he was gone into my counting-houſe.

Q. Now, Sir, without charging you with the particular words, what was the ſubſtance of what he ſaid to the Hop-planters about Hops?

A. I left them, and was not preſent till after dinner; and was not preſent at any of their bargains.

Q. You heard him ſpeaking to the Hop-planters about Hops—I deſire to know what he ſaid?

A. They offered him their Hops, and he deſired them to ſtop a little; he was going to ſpeak to me.

Q. Now, Mr. Yarrenton, did he, in your hearing, adviſe the Planters to ſell or not to ſell their Hops?

A. He ſaid that Hops would be dearer: I did not ſtop to hear the advice he gave to the Planters.

Q. You heard him ſay that Hops would be dearer?

A. Yes.

Q. Did he adviſe the Planters to ſell, or notto ſell, on that day?

A. That I did not hear, to the beſt of my knowledge.

Q. Do you mean, Sir, on the oath you have taken, to ſay that you did not hear one way or another? I am not

aſking the particular expreſſions he uſed, but only whether the general purport of it was to ſell or not to ſell?

A. The crowd was ſo great.

Q. The crowd did not prevent you from hearing. I aſk you, in the courſe of that day did he adviſe them the one way or the other?

A. The chief of the converſation was before he went to the market.

Q. I am not aſking you the chief of it; but, in the courſe of that day, did he adviſe them to ſell or not to ſell?

A. I cannot tell which way his advice was.

Q. Do you really mean to ſay that?

A. Not to any other body: his advice to me was, to buy Hops, if I wanted a ſtock.

Q. And to no one Hop-planter, you ſwear, publicly or privately, did you hear him ſay he would adviſe them to ſell or not to ſell? You mean to ſay that in this Court, do you?

A. Not to the beſt of my recollection.

Q. Now, Sir, did you learn from Mr. Waddington himſelf what advice he might give to the Hop planters?

A. No. I did not aſk him, and he did not tell me.

Q. Were you at the dinner?

A. Yes, I was.

Q. Now, Mr. Yarrenton, did you hear any toaſt given about the price of Hops at the dinner?

A. Yes.

Q. What was it?

A. "Hops at £20 a hundred weight."

Q. "Hops"—raiſe your voice—I thought I heard, in a ſmall voice—"at £20 a hundred weight."——Who was it that gave that toaſt?

A. Mr. Waddington.

Q. Was it given in that low, weak, female voice, as you

now uttered it; or was it loud enough to be heard by all the company? It was not delivered in a low, female, trembling voice, like yours?

A. No, Sir.

Q. Pray, Sir, after dinner did any body addreſs the company?

A. Yes.

Q. Who was it?

A. Mr. Waddington.

Q. What did he ſay?

A. I cannot charge my memory with it. I do not keep theſe things in my head—what paſſes after dinner.

Q. Now I mean to aſk you, whether you have totally forgotten every thing he ſaid after dinner that day, when he got up and addreſſed the company?

A. I remember he ſaid the Planters had been loſers by their Hops for ſome years paſt.

Q. What! the Planters in Worceſterſhire?

A I do not recollect. He told them, generally, they had been loſers.

Q. What elſe did he ſay to them?

A. I cannot charge my memory with the whole.

Q. I do not deſire you to charge your memory with the whole, but I want to diſcharge that memory of a part.

A. I have told you a part already.

Q. You have; but I want you to tell me more.

A. I cannot ſay more upon my oath.

Q. What advice did he give them—to ſell or not to ſell—in the ſpeech he made to them after dinner?

A. That I do not recollect.

Q. Were you at a great diſtance from Mr. Waddington?

A. At ſome diſtance.

Q. How far?

A. I cannot tell, I ſat at a ſide-table.

Q. Did

Q. Did Mr. Waddington ſpeak in ſuch a gentle voice that you could not hear him?

A. I might hear him.

Mr. Dauncey. I object to this mode of examining the Witneſs—making a commentary on every ſyllable he ſays.

Mr. Juſtice LE BLANC. If this is put to me as a queſtion of regularity, I ſhall hold that all commentary on a Witneſs when he gives his teſtimony, is irregular. And a Witneſs, called by a party himſelf, whether he is a willing or an unwilling Witneſs, is to be examined by that rule which has been eſtabliſhed in Courts of Juſtice. If that is to be of any uſe, I ſhall be glad.

Mr. Plumer to the Witneſs. Did he give the Planters any advice to ſell or not to ſell their Hops?

A. I was engaged at that time in talking to a Planter about a lot of Hops which I bought.

Q. How long did that converſation with the Hop-planter laſt?—as long as Mr. Waddington's ſpeech to the people?

A. Yes.

Q. How happened it, then, that you did hear him ſay the Hop-planters loſt by planting Hops for ſome years paſt?

A. I do not know—but I heard him ſay ſo.

Q. Do you mean to ſay, you do not recollect any other ſentence he pronounced that day?

A. Not to my recollection.

Q. Do you mean to ſay, when he got up to ſpeak that you continued your converſation with a private individual?

A. I continued my converſation with the private individual.

Q. How came you not to attend to what Mr. Waddington was ſaying?

Mr. Dauncey. I object to that, as not being evidence.

Mr. Juſtice LE BLANC. If he puts his queſtions in ſuch a manner as to get out the whole knowledge of a Witneſs,

I ſee no objection to it. He is endeavouring to prevail on that witneſs to tell him what Mr. Waddington ſaid in a ſpeech which he delivered to the Hop-planters. He ſays he was ſitting at a ſide-table with a Hop-planter, and that he did not attend much to what was going forward. I do not ſee any thing irregular in that.

Mr. Plumer. Now, Sir, you have heard the queſtion you will anſwer it.

A. I have forgot it.

Q. The queſtion was, Why did you not attend to Mr. Waddington, when he made that addreſs to the people?

A. Becauſe I thought I had ſomething of more importance with the individual.

Q. Did that buſineſs preſs—was it urgent, and of immediate neceſſity?

A. That individual was going.

Q. Did he go?

A. He did.

Q. How long did his ſpeech laſt?

A. I cannot recollect how long.

Q. Was it half an hour?

A. I preſume not.

Q. A quarter of an hour?

A. I preſume not.

Q. Ten minutes?

A. It might be about ten minutes.

Q. Do I underſtand you to ſay, though I do not aſk you as to the particular expreſſions, that you do not recollect the ſubſtance of the advice which Mr. Waddington gave to the Hop-planters?

A. I do not remember the ſubſtance—whether any advice was given, or whether it was one way or another.

Mr. Juſtice LE BLANC. You cannot give a man a memory

mory if he has none. You ſeem to me to try to bring back facts to his recollection, but you cannot. I take it for granted, if his memory ſerved him, he would not conceal evidence.

Mr. Plumer. Did you hear Mr. Waddington's health drunk in a toaſt propoſed by Mr. Chambers?

A. Yes, Sir.

Q. When Mr. Chambers propoſed the health of Mr. Waddington as a toaſt, was there any thing more than that ſaid? Did he ſay of him what he was?

A. No.

Q. That you diſtinctly remember, and no more than that?

A. No, there was nothing ſaid.

Q. Did Mr. Chambers, when he gave Mr. Waddington as a toaſt, ſay what he was with reſpect to the County?

A. I do not recollect that.

Q. I am now ſpeaking of the dinner at the Hop-Pole? Did he uſe any complimentary expreſſion about him?

A. No; he did not.

Q. Nor any body elſe?

A. No; they did not. I know what the report was you allude to. It was not given there when I was there. I have heard that paſs that you mentioned, of his being the Saviour of the County. It was not given that day.

Q. Did you learn from Mr. Waddington before he went away from Worceſter, whether he meant to come back again?

A. Yes, Sir.

Q. When?

A. I do not know whether it was that day fortnight or three weeks.

Q. Did he tell the Hop-planters aſſembled at the Hop-pole, that he meant to come back?

A. I un-

A. I underſtood from him that he meant to come back in that time.

Q. But did you underſtand that he gave public notice that he meant to come back in three weeks time?

A. No, I did not.

Q. Do you recollect whether he made any declaration at dinner that he would return or not?

A. He gave ſome intimation to them that he would come again in a fortnight or three weeks.

Q. Did he ſay for what purpoſe?

A. I do not recollect that he explained himſelf for what purpoſe.

Q. Was he acquainted with any body in the place to viſit?

A. I do not know what acquaintances he may have—he has acquaintances here.

Q. Did you underſtand that he came here on pleaſure!

A. No, Sir, but on buſineſs.

Q. Do you know what his buſineſs was!

A. To buy Hops.

Q. Do you mean to ſay, that you underſtood from him that his only buſineſs in coming here was to buy Hops?

A. No. I did not know any other buſineſs he had here but to buy Hops.

Q. Was it in the courſe of buying Hops that he made a ſpeech to the people in the market?

A. That I did not hear.

Q. Did you ſee him when he came down on the 19th of April?

A. Yes, Sir.

Q. Were you in the counting-houſe when he cam

A. I was.

Q. And when ſeveral perſons followed him?

A. Not into the counting-houſe.

Q. What time was that?

A. I ſhould think near one o'clock.

Q. Were any perſons with him?

A. I think Mr. Chambers was with him in my counting-houſe.

Q. Any body elſe?

A. I do not recollect there was any body elſe.

Q. What paſſed then?

A. I ſhook hands with him, and ſo forth, and aſked him how the market was going; and then went out of the counting-houſe ſome time.

Q. That was all, was it?

A. There might be ſome other words paſs.

Q. Was this the firſt time of your ſeeing him that day?

A. No, it was not the firſt time. The firſt time I ſaw him that day was when he got out of his chaiſe or coach.

Q. Had you any converſation with him then?

A. I told him the market was very heavy. He does not ſpeak his ſentiments but to few.

Q. Did you hear him afterwards ſpeaking his ſentiments to the many that were aſſembled at the market?

A. I did not, Sir.

Q. Now ſtay, Mr. Yarrenton; though he might only ſpeak his ſentiments to few, you were at that time employed by him to houſe his Hops, to receive his Hops. He was with Mr. Chambers only in your counting-houſe?

A. Some other friends might be preſent.

Q. Well, Sir; Now I aſk you to recollect yourſelf, and to tell me what he ſaid he was going to do to the market?

A. He was going to buy Hops.

Q. What elſe did he ſay?

Mr. Juſtice LE BLANC. Was that in your counting-houſe?

A. Yes.

A. Yes, my Lord. I cannot recollect every word that paſſed.

Mr. Plumer. Certainly not, Sir; but I want to aſk you, if you remember any particular expreſſion Mr. Waddington uſed when you told him it was heavy? What did he ſay he was going to do to the market?

A. He ſaid he was going to buy ſome Hops.

Q. What elſe?

Mr. Dauncey. I beg you will put the queſtions in a different manner. Put them in the right way, and aſk him what in fact did paſs.

Mr. Plumer. Give me an inſtance of my irregularity. What did he ſay he was going to do with the market?

Mr. Dauncey. Mr. Yarrenton has not aſſerted he was going to do any thing with the market?

Mr. Juſtice LE BLANC. The proper queſtion is, Did he ſay any thing of what he was going to do with the market?

Mr. Plumer. Did he ſay any thing of what he was going to do with the market?

A. No.

Q. You did not hear him ſay what he was going to do to the market, to 30 or 40 Hop-planters?

A. No. When I went out of the counting-houſe I went to dinner.

Q. Did you ſee him in the act of ſpeaking?

A. When I was going out, he was in the act of ſpeaking to them, or beginning to ſpeak to them. He was elevated on ſome thing. There was a tump of Hops there, and very likely he might ſtand upon it,

Q. Did you not hear any thing before you went away?

A. No. I went immediately to my dinner, and I do not recollect ſeeing him that day afterwards.

Q. Did you ſee him the next day?

A. I ſaw him at the Play that evening.

Q. Now,

Q. Now, when you ſaw him in private, did you learn from him what he would do to the market? Did he communicate to you any thing of what had paſſed that day, or any thing about the market, or whether he had bought?

A. He left an account with our Clerk of what he had bought. Our Clerk's memorandum is in Court.

Mr. Dauncey. He is in Court himſelf, is he not?

A. Yes.

Mr. Plumer. Beſides the memorandum, do you not mean to ſay that he informed you of the number of pockets of Hops he had purchaſed?

A. Not to my recollection.

Q. Were they to be delivered at the ſame time, or at different times?

A. At different times.

Q. At what different times?

A. That the memorandum will ſhow.

Mr. Plumer. We have given you notice to produce the memorandum. Swear Mr. Pennethorne; we muſt examine him about it.

Mr. PENNETHORNE *was here examined by Mr.* PLUMER *relative to the Paper he received from Mr.* WADDINGTON.

Q. Where is that Paper, Sir, that was given to you by Mr. Waddington?

A. I gave it to Mr. Waddington's Attorney.

Q. When?

A. About three weeks ago.

Q. Who is Mr. Waddington's Attorney?

A. Mr. Elſtob.

Q. Now where is the perſon that produces it? We have

given them notice to produce it. Here it is. Now look at that, Sir.

When Mr. Pennethorne had looked at it, he ſaid—That is the paper which Mr. Waddington had in his hand when he ſtood on the tump of Hops.

Mr. YARRENTON'S *examination reſumed.*

Q. Now, Sir, had you any talk with Mr. Waddington about this paper, when he ſhowed it to you?

A. I had not. I had very little talk with him after he left the market.

Q. But you did learn it was to be delivered at different times?

A. I do not know that I underſtood that from him, but I underſtand it from our Clerk.

Q. But before Mr. Waddington went away that day, had you learned no more about the bargains of that day?

A. Not that I recollect. I did not ſee him till the evening. He went away the next day.

Q. Did you ſee him again on the 3d of May?

A. Yes, Sir.

Q. What did he come for then?

A. To buy Hops, I preſume, and to bring money to pay for thoſe he had bought.

Q. From all you learned of Mr. Waddington, you did not know he came for any other purpoſe than to buy Hops, or to pay for thoſe he had bought.

A. I do not know he could come for any other purpoſe.

Q. O yes, he *might* come to raiſe the market?

A. Certainly.

Q. But you do not know from him that he came for that purpoſe?

A. No,

A. No, I do not know.

Q. What did he do on the 3d of May.

A. He was a buyer of Hops.

Q. Of what quantity?

A. I do not know.

Q. How do you know he was a buyer of Hops?

A. Becauſe he had an account with our Clerk.

Q. A written account?

A. Yes, Sir.

Q. That ſame Clerk I have examined?

A. Yes, Sir.

Q. Have you got that written account?

A. Yes, Sir.

Q. Now did you learn of Mr. Waddington what it was, or whether any thing had induced him to become a buyer?

A. He ſignified to me that Hops would be dearer.

Q. And that was his ſole motive?

A. I do not recollect that he ſaid that was his only motive.

Q. He did not tell you any body compelled him to buy?

A. Not to the beſt of my recollection.

Q. Do you mean to ſay that you did not know any other reaſon but the expectation of Hops riſing?

A. Not that I know of.

Q. Not that you know of from him, or that paſſed in his preſence?

A. Or that paſſed in his preſence.

Q. Pray did you learn from Mr. Waddington, on the 29th of March, when he came down, whether he had or had not a conſiderable ſtock on his hands?

A. He did not ſignify to me whether he had or had not. I had no information of that ſort from him.

Q. You did not know from him whether he had a ſingle pocket of Hops?

A. No.

Q. Had you learned from him—I do not mean from any particular expreſſion, but in converſation—from your intercourſe and converſation with him that paſſed at all the times you ſaw him—did you not collect from him that he had ſome ſtock on hand?

A. No, I do not recollect that he ever did tell me he had a ſtock on hand. He was not ſo communicative to me.

Q. Did you collect from Mr. Waddington that the Hops of this County were the whole of what he had any where?

A. What I knew from other people is another thing. I did not know from him whether he had other Hops at all. I have heard from other people——

Mr. Dauncey (interrupting him). That is all goſſip, Sir.

Mr. Plumer. Did you mention to Mr. Waddington what you had heard from other people?

A. No, Sir.

Q. You never had any talk with him reſpecting it?

A. No, Sir.

Q. Did you learn from him whether he had been in Kent?

A. I knew he had, Sir. I know he lived in Kent.

Q. How do you know that?

A. I have been in his houſe in London.

Q. You learned from him he had a houſe in Kent?

A. Yes, Sir.

Q. When was it that you were in his houſe in London?

A. In the beginning of March laſt.

Q. On what occaſion were you there?

A. I was in London ſelling Hops.

Q. Why did you call on him?

A. To aſk him how he did, and to ſee whether he was a buyer.

Q. Did you tell him any thing about the market?

A. I did.

Q. What

Q. What did you tell him?

A. That the market was heavy, and that the price was lower.

Q. Lower than what?

A. Lower than the London market—lower than it had been.

Q. What time in March was that?

A. I do not recollect exactly. At the beginning. It was about the 10th or 12th of March that I told him ſo.

Q. How long before that had the market been falling?

A. The market had been falling a fortnight or three weeks before that.

Q. What did you go up to London for?

A. To ſell Hops.

Q. What quantity did you go to ſell?

A. I ſold about 150 pockets.

Q. Did you ſell them to Mr. Waddington?

A. No, Sir.

Q. Did you offer any to him?

A. No.

Q. He was no buyer then?

A. No.

Q. When you told him the market at Worceſter was falling, did you learn from him whether he meant to come to Worceſter?

A. Not then.

Q. How ſoon after?

A. Not till a few days before he came.

Q. Did you learn for what purpoſe he was coming then?

A. I underſtood he was coming to buy ſome Hops.

Q. When you told him the Hops were low, did he ſay they were to be lower?

A. About the 10th of March he ſaid he ſhould not be a buyer

buyer of Worceſter Hops; but the market was much lower when he came down.

Q. Did he aſſign any reaſon why he would not be a buyer of Worceſter Hops?

A. No.

Q. Do you know whether he was buying in London?

A. No. I was not half an hour in his company, and had very little converſation with him.

Croſs-examined by MR. DAUNCEY.

Q. Mr. Yarrenton, are you yourſelf a dealer in Hops?

A. Yes.

Q. How long have you been in the trade?

A. Twenty years.

Q. You are likely then to underſtand the ſubject. And you ſay that neither of the four preceding years can be called a good crop, and that the year 1797 was only about three-fourths of a full crop?

A. Yes, Sir.

Q. Now the goodneſs or badneſs of the crop cannot be eſtimated from the duty, as the Plantations have increaſed?

A. Of late years the Hop-plantations have increaſed very much.

Q. The duty itſelf is not deciſive of the goodneſs or badneſs of a crop?

A. The duty has been increaſing with the Plantations. If there were twenty Plantations in a bad year, they would produce as much as five in a good one; that is, the increaſe of Plantations, even in a bad year, may produce a greater quantity of Duty, than a good crop would produce if the Plantations were not ſo great.

Mr.

Mr. Juſtice LE BLANC. A greater quantity of Hops would be produced?

A. Yes, my Lord.

Mr. Dauncey. Now, as to the crop immediately preceding —the crop of 1799—how had that been?

A. It was ſhort in the kingdom through, but very ſhort here.

Q. How was 1798?

A. It was alſo a ſhort crop.

Q. I ſhall ſay that the crop of 1797 was a middling crop. I will aſk you whether there was a great ſtock on hand?

A. There was a great ſtock on hand in 1794, and that was increaſing.

Q. Had the ſtock on hand increaſed lately?

A. There has been a much leſs conſumption; owing firſt to the high price of Malt, and in the next place to the high price of Hops.

Mr. Juſtice LE BLANC. Did you ſay the laſt year the ſtock had increaſed?

A. The conſumption was leſs, or elſe the ſtock in hand was very ſmall. The conſumption was much leſs, owing to the high price of Malt and the high price of Hops.

Mr. Dauncey. Was the price that Mr. Waddington gave on any of thoſe days an extraordinary price for Hops?

A. The price that he gave for Hops, to come in at a future day, was no more than the price of that day, becauſe there was a conſiderable loſs in weight.

Q. Were the Hops bought for the day an extraordinary price?

A. I did not examine the quality of the Hops, which I ought to do to be a judge of the price of them. I did not examine them, and therefore I cannot judge of their value.

Q. If theſe goods are to be delivered at the diſtance of ſix weeks

weeks or two months, and kept in warm weather, will they not loſe in weight?

A. They will loſe in weight from three pounds to ſeven or eight, and even to ten pounds in a pocket.

Q. Of courſe the ſeller muſt deliver a greater number of Hops, in order to make up the weight? It will take more Hops to make up the weight two months hence, than it would have done to-day?

A. Yes, Sir.

Mr. Juſtice LE BLANC. They loſe from 3 to 7 or 8lb. per pocket?

A. They do, my Lord: and I have known them loſe 10lb. per pocket.

Q. In how much time?

A. In two months.

Q. And what is the weight of a pocket?

A. From 120lb. to about 156lb. ſome more, and ſome leſs —from a little more than a hundred, to a hundred and a half.

Mr. Dauncey. In theſe caſes, the Proprietor of the Hops keeps them till the time of delivery?

A. Yes, Sir. My inſtructions were, not to take in any Hops till the time of delivery, on account of the weight. They are weighed off at the time of delivery, or there is a penalty if they are not.

Q. And for theſe an increaſed price was given?

A. Yes, Sir.

Q. Is it unuſual, Sir, for purchaſes to be made to the amount of 100 pockets at the market at Worceſter?

Mr. Plumer. I object to whether it be uſual to buy more than he ought to do. That muſt depend on the nature of this Gentleman's dealings.

Mr. Juſtice LE BLANC. The nature of the offence will

depend on the dealing. But there is nothing improper, I think, in putting the queſtion, how much a Gentleman might buy?

Mr. Dauncey. There is a charge of engroſſing againſt this Gentleman.

Q. The quantity depends, does it not, on the ſeaſons of the year?

A. At ſome ſeaſons of the year I have bought 500, 600 and 700 pockets in a day, and ſome Gentlemen many more. And I have ſold more than 100 pockets to an individual.

Mr. Plumer. What is the firſt part of the ſeaſon?

A. From September till Chriſtmas; our markets are full from September to Chriſtmas.

Mr. Dauncey. Can you tell me at all, Mr. Yarrenton, what number of Hops were to be ſold by ſample at that time?

A. No, Sir, it is impoſſible.

Q. Make a moderate calculation.

A. I ſhould think there might be 600 or 700 pockets at leaſt to be diſpoſed of.

Mr. Juſtice LE BLANC. On any particular day?

Mr. Dauncey. On the 29th of March, my Lord, there were to be diſpoſed of by ſample or in bulk 6 or 700 pockets. —Now, on the 19th of April, what quantity do you think there might be in the market?

A. I think there was more.

Q. On the 3d of May, how much?

A. There might be the ſame quantity, or leſs, or more. I think there was hardly ſo much. People about that time began to ſuſpect the Hop-binds were not ſo good. The appearance of the enſuing crop then began to be unfavourable. There were ſymptoms of a bad crop. But the price continued to decreaſe from the latter end of February till the latter end of May.

Q. Now, Sir, from what you ſaw on that day, did Mr. Waddington endeavour to enhance the price of Hops?

A. I ſaw nothing more done by him than by any other Gentleman coming to buy. One or two houſes will enhance the price more than what he did.

Q. In your judgment, did Mr. Waddington's purchaſes render this article dearer to the ultimate conſumer than it would have been, had it gone through the hands of the Borough Factors?

A. They did not purchaſe here.

Q. Was the price here higher or lower than the Borough price?

A. It was lower.

Q. In your judgment, was the price enhanced to the ultimate conſumer more than if theſe Hops had been in the hands they uſually get into?

A. I think not.

Q. Towards the latter end of May there was a riſe in the price?

A. Yes, becauſe there was a ſuſpicion reſpecting the goodneſs of the enſuing crop.

Q. From that time they have increaſed from 10 Guineas to £.16. Now does it appear that that increaſe has taken place in the price from any thing that Mr. Waddington has done?

A. I do think it is from the appearance of the enſuing crop entirely.

Q. Suppoſe Barley, which you ſaid was dear, were cheap; what effect would it have on the price of Hops?

A. It would raiſe the price of Hops.

Q. Did you make any ſales of theſe goods of Mr. Waddington'?

A. I bought ſome of them myſelf from Mr. Waddington.

Q. Have you ſold any to other perſons?

A. Only one lot.

Q. When

Q. When did you buy?

A. Three weeks or a month ago.

Q. At what price might you buy?

A. I bought myſelf three weeks or a month ago.

Q. Had you ſold any for him antecedent to that?

A. None, except one lot.

Re-examined by MR. PLUMER.

Q. You are aſked, as to the effect of Mr. Waddington's conduct on the market, whether it enhanced the price. How can you form a judgment upon that, when you do not know what he ſaid?

A. I judge from what he did—from his buying.

Q. Suppoſe he had made no ſpeech at all, do you think the mere act of buying would have affected the market?

A. I do not think his ſpeech enhanced the price of Hops.

Q. Do you think ſo?

A. I think the Planters thought the worſe of him for it.

Q. The Planters, you think, thought the worſe of him for adviſing them to hold their goods—becauſe he adviſed them to hold them. Is that ſo?

A. I underſtand it ſo.

Mr. Dauncey. They were eager to ſell.

Mr. Plumer. Was that owing to their having a bad opinion of Mr. Waddington?

A. They might not have ſo good an opinion of him.

Q. Do you mean, then, to ſay it had a contrary effect?

A. Yes. I think it made them more willing to ſell.

Q. Now, Mr. Yarrenton, you think that ſpeech made to them at the dinner was likely to make them more deſirous of ſelling?

A. Yes. I rather think what he ſaid to them at the dinner was the means of inducing them to ſell. That is my opinion.

Q. Now you ſaid that, on the 3d of May, people began to ſuſpect the Hop-binds were not ſo good?

A. Some people did.

Q. Was that the firſt time they began to entertain ſuſpicions of the future crops?

A. Yes, Sir.

Q. Then before that time they had a good opinion of the enſuing crop?

A. Yes, Sir. I do not exactly ſpeak to a day. It was in the beginning of May.

Q. Before that it had a good appearance?

A. It had a very good one at the firſt opening.

Q. I will aſk you, on the 29th of March, when the future crop has a good appearance, is it uſual for perſons to buy large quantities of Hops?

A. It depends on people's opinions and whim.

Q. I aſk you, on the 29th of March, when there appears to be the proſpect of a good crop, is it uſual then to purchaſe large quantities?

A. There is not ſo much to purchaſe at that time.

Q. But is it uſual to enter into large purchaſes?

A. It is not ſo uſual at that part of the ſeaſon.

Q. Then what proportion did Mr. Waddington purchaſe of the whole ſupply of the market, on any one of the days on which he made his purchaſes? was it a third, or fourth, or what?

A. It might be about one fourth.

Q. How many do you judge to be one fourth?

A. Two hundred pockets I judge to be one fourth of the market.

Q. Now you told this Gentleman the price given was more than the market price, when the Hops were to be delivered afterwards?

A. Yes.

Q. Now

Q. Now how much, when a pocket of Hops is at £.13, I ſhall ſay, how much is that per lb?

A. About 2*s.* 4*d.* per lb.

Q. Now according to the price on the 19th of April, at which time you know there were large quantities—that is, larger than the demand, becauſe the demand was flat, and the proſpect of the future crop good——Very well—Now ſuppoſing a bargain made at that time, for future time, for delivery on the 14th of June, according to the price of that day what ſhould be the price?

A. Upon my word I cannot take on me to ſay how much.

Q. The price is more—Now, I want to know how much more.

A. I cannot tell, unleſs I had a ſample produced.

Q. Take the beſt Hops that are produced in the County.

A. It is impoſſible for me to anſwer that queſtion, unleſs the Hops were produced before me.

Q. I will take Hops of the ſame quality, ſelling on the 19th of April at £.13 per pocket; ſuppoſe they are contracted for to be delivered on the 14th of June following, what is the price to be given, conſidering the proſpect of the future crop?

A. I do not know. It will depend upon people's opinions.

Q. You can form ſome judgment of it?

A. It is a thing I never practiſed.

Q. Not to make a bargain for time?

A. No.

Q. Did you ever know any body elſe practiſe it?

A. People in the North practiſe it.

Q. Did you ever before know it practiſed at Worceſter before Mr. Waddington did it?

A. I never did.

Mr. Dauncey. The people in the North buy for time

A. Yes.

Q. And

Q. And the people in the North are ſupplied in the Worceſter market?

A. Yes, Sir.

Q. And this is the only thing Mr. Waddington has practiſed?

Mr. Plumer. Thoſe people buy at a future time?

A. They give an order, and pay at a given time.

Mr. Plumer. That is not an order for time.

Mr. Juſtice LE BLANC. They ſend you an order, and you give them a certain credit?

A. Yes, my Lord.

Q. And your price is greater than it would otherwiſe be, by their paying on credit?

A. Yes, my Lord. We receive a draft, perhaps, at 2 or 3 months.

Mr. Juſtice LE BLANC. To be ſure; that is a different thing from a bargain for time.

THOMAS PENNETHORNE *examined by* MR. MILLES.

Q. Mr. Pennethorne, you are a clerk, I believe, to the partnerſhip in which the laſt witneſs is concerned?

A. I am.

Q. You are employed by them as a clerk in the Hop-buſineſs?

A. I am.

Q. You keep their books, and attend the market for them?

A. I do.

Q. You know all the tranſactions that paſs relating to them, either as principals or agents for others?

A. I believe I do.

Q. When did you firſt know Mr. Waddington to be concerned with Meſſrs. Yarrenton and Phillips?

A. In September laſt our firſt dealings with Mr. Waddington commenced.

Q. When

Q. When did you firſt know him having any connection in the Worceſter market?

A. On the 29th of March laſt.

Q. Mr. Pennethorne, where did you firſt ſee Mr. Waddington on that day?

A. It was at the warehouſe. I believe I ſaw him on the day before the market.

Q. Not to have any converſation with him?

A. No.

Q. Now, on the Saturday, where did you ſee him firſt?

A. In the market.

Q. Had you directions or inſtructions from Mr. Waddington, through your maſters, to ſell Hops that day?

A. I had no inſtructions.

Q. Did you know at that time of any inſtructions for them to purchaſe?

Mr. Wigley. Of your own knowledge?

A. I did not hear any given.

Q. Then you ſaw Mr. Waddington firſt in the market?

A. Yes.

Q. Where was he?

A. I ſaw a number of Planters with him in converſation.

Q. Where?

A. I ſaw them in different parts of the market.

Q. I need not aſk you whether the market was flat, and whether it was falling; there can be no doubt of that. You ſaw that a private converſation took place between him and individuals?

A. I did; but I was not near enough to hear what he ſaid.

Q. Did you ſee Mr. Waddington when he was addreſſing them all in a body—all the people around him?

A. No more than in common converſation.

Q. Did you happen to overhear any thing he ſaid?

A. I was

A. I was not near enough.

Q. Then that day, though you saw him in the market, you did not hear any thing he said?

A. No, Sir.

Q. Do you know what bargains he made on that day—how many contracts he entered into—how many pockets he purchased?

A. He purchased 165 pockets of the Planters himself. I saw him, I believe, himself make all the purchases.

Q. Knowing the purchases that were made, you know the persons of whom he bought all these Hops?

A. I have not the memorandum about me, but I can tell you the names of many of them. James Millward he bought of on that day—Baker he bought of on that day—Henry Unett he bought of—Thomas Holder——

Mr. Justice LE BLANC, *interposing.* You had better examine them from the list in the Information. It will be much more regular. You are examining him on the 29th of March.

Mr. Wigley. Excepting one or two names, they are put the same in all the Counts of the Information.

Mr. Justice LE BLANC. Cannot you, Mr. Wigley, go through the names of the 29th of March?

Mr. Dauncey. Cannot you take them from the Information?

Mr. Justice LE BLANC. There is one Count in the Information stating the Defendant to have bought of divers persons large quantities of Hops. That is one Count. On that, they say, they will a give variety of names not mentioned in the Information. In other Counts names are mentioned. Now the best way is to go on with the names, noticing names that are not mentioned in the Information.

Mr. Dauncey. They have a right to give evidence of names mentioned in the Information; but I trust they have not

not a right to give evidence of names not ſtated in the Information.

Mr. Juſtice LE BLANC. There is a Count in the Information for buying of divers perſons large quantities of Hops, and therefore I will not exclude them from proving perſons not named in the other Counts.

Mr. Wigley. They have a right to give evidence of names ſtated in the Information. In a charge of this ſort, they ought to ſpecify all the names in the Information which they mean to prove; otherwiſe the Defendant is not prepared to meet them. And therefore, if they may give evidence under the laſt Count, the Defendant has no opportunity of knowing what evidence he is to meet. He has no opportunity of contradicting it, or ſtating by evidence that he did not make ſuch purchaſes. Where the names are known, there certainly he has an opportunity of ſtating what the bargains were; and of contradicting the witneſſes, if they ſtated any thing that was falſe. The whole length of this very long Record might have been ſpared. The Information ſtating different names holds out to the Defendant—theſe are the only names he is to anſwer: and if other names are put upon him, he is taken by ſurpriſe. I humbly ſubmit, therefore, they ought not to be permitted to give this evidence. There are caſes where this has been decided. As, for inſtance, in a common caſe, in an action for ſlander, where ſpecial damage is alleged; if the names are not mentioned, no evidence can be given. In an indictment for a fraud, likewiſe, the names muſt be ſet out.

My friends may ſay, It is upon the record. So it is. But it is not ſo for this purpoſe; becauſe, by the introduction of names, he is prejudiced by thoſe allegations of which he has had no notice.

Mr. Juſtice LE BLANC. One of the charges againſt Mr. Waddington is, for engroſſing divers large quantities of

Hops. Now I ſhall not hold the party to give evidence merely of the names ſtated in thoſe Counts for the purpoſe. If they chooſe to go on the laſt Count, I will hold theſe names do not apply to theſe Counts. If they cannot ſupport the Counts where the names are mentioned, they will judge for themſelves whether they can ſuſtain the laſt Count or not. It is for them to ſay, whether they will in troduce the evidence for the laſt Count. But I ſhall not ſay they ſhall not be at liberty to do it. I wiſhed to have followed the other way. But if you have not a liſt, to enable you to take the names on the 29th of March, in the order in which they ſtand in the Information—if you are not prepared to do that, go on with your own liſt.

Mr. Wigley. I am very humbly propoſing to do that very thing. They may aſk, whether purchaſes were or were not made of a variety of perſons? and then, whether they were made on that day?

Mr. Plumer. We have a right to give evidence of any fact.

Mr. Juſtice LE BLANC. They have a right to aſk the perſons of whom Mr. Waddington bought Hops on that day. The witneſs will name A. B. C. D and E, and you may ſay that E is not in the Information.

Mr. Peake. My Lord, I was not going to oppoſe any thing your Lordſhip has ſaid. It is perfectly competent to them to examine into names. But you will not permit them, in examining into the names of A B and C, &c., to give theſe names to the witneſs,—but to let the witneſs give them the names of the different perſons of whom Mr. Waddington purchaſed. For the convenience of Courts of Juſtice, in general I think that is the ſtrict rule; though it is generally departed from. It is departed from in every other inſtance. If they mention names, and not from any private papers, certainly, though that may not be ſtrictly regular, I ſhall

not ſo far impede your Lordſhip as to object to any queſtion of that kind. But I truſt you will not ſuffer them to prejudice the Defendant by aſking the witneſs as to any private inſtructions of his own.

Mr. Juſtice LE BLANC. Certainly it is not regular to put names into the mouths of witneſſes. You are to aſk the witneſs, to be ſure, of whom he bought them.

Mr. Plumer. It has never yet been done.

Mr. Milles. If we do ſo, it muſt delay the cauſe conſiderably. They muſt bring the books. We have given them notice to produce them.

Witneſs. I have not the books——

Mr Juſtice LE BLANC. You cannot go on without the books——

Mr. Plumer. The books are juſt by, my Lord.

Mr. Dauncey. I conſent to their naming the names.

Mr. Milles. We do not want your conſent. This man admits the names are in the books: he is in poſſeſſion of them, and they have had notice to produce them. In the books are all the names of thoſe of whom he purchaſed on the 29th of March. If the books are not produced, this is the beſt evidence.

Mr. Juſtice LE BLANC. It ſeems to me you are merely fighting *de lana caprina.*

Mr. Wigley. If they will firſt of all take the names in the Information, they will ſee how many they have proved. They will then judge whether they will go to the laſt Count. And then the Jury will not hear any thing they ought not to hear.

Mr. Milles to the Witneſs. I think, Mr. Pennethorne, you told me that Mr. Waddington himſelf purchaſed of the Planters 165 pockets of Hops on the 29th of March?

A He did.

Q. Can you tell us, Sir, the names of thoſe perſons, of whom he made thoſe purchaſes?

A. I believe I remember the moſt of them. He purchaſed 5 pockets of T. Baker—He purchaſed 21 pockets of H. Unett—of Hays, 2 pockets—of J. Holder, 4 pockets—of T. Holder, 8 pockets—of J. Wright, 6 pockets—of J. Racſter, 13 pockets—of Wall, 3 pockets—of Davies, 2 pockets—of Tunſtall, 20 pockets—of Brewſter, 16 or 17 pockets—of Lawrence, 3 pockets—of Ferror, 6 pockets—of Millward, 5 pockets—of Winton, 8 pockets—of R. Hemming, 5 or 6 pockets—of N. Smith, 9 or 10 pockets—of Jennings, 7 pockets.

Mr. Dauncey. What other people do you remember, for theſe do not make 165?

A. He bought 6 pockets of Gardner.

Q. Do you recollect any other perſon?

A. I cannot charge my memory with any other perſon.

Mr. Dauncey. I make them 150. You ſay they are 152.

Mr. Milles. Theſe were purchaſed by Mr. Waddington himſelf on the 29th of March?

A. They were.

Q. Now how many did he buy by other people on the ſame day?

A. I have already ſaid that he bought himſelf 165 pockets. Meſſrs. Yarrenton and Phillips, to whom he is allied, ſold to Mr. Waddington that day 46 pockets.

Mr. Juſtice LE BLANC. Beſides the 165 pockets which he bought in the market himſelf?

A. Yes, my Lord. Mr. Yarrenton bought for him, beſides that number, 81 pockets more.

Mr. Miles. This was on the 29th of March?

A. Yes, Sir. Theſe were the amount of the purchaſes which I know were made on that day.

[*A Paper*

[*A Paper being here handed up to the Witneſs, he was aſked what it was.*]

A. This is a paper in Mr. Waddington's hand-writing, I believe.

Mr. Milles. That is Mr. Waddington's hand-writing, and relates to the 19th of April?

A. Yes.

Q. Were you at the market when Mr. Waddington was there on the 19th of April?

A. I was at the warehouſe.

Q. Did you ſee him take that paper in the warehouſe?

A. I did.

Q. He wrote on that paper, when he was making his bargains at the warehouſe?

A. Yes, he did.

Q. There is pencil-writing, as well as writing in ink; is that Mr. Waddington's writing?

A. No.

Q. Now look at that paper, and deſcribe to me all the bargains that appear to be made on that day.

A. This paper does not contain the Hops he purchaſed on the 19th of April to be delivered on that day, but only the Hops that were agreed to be delivered on a future day, and which were contracted for on that day.

Mr. Juſtice LE BLANC. Were there any Hops to be delivered on that day?

A. Yes, my Lord, I know of Hops that were to be delivered to him on that day, the 19th of April.

Q. Give us an account of theſe.

A. Of F. Harris he bought ſix pockets, at £.12 per cwt.; of John Tully, junior, 11 pockets, at £.12; and of B. Gardner, 15 pockets at £.12 10s. Theſe are all that he bought to be delivered on that day.

Mr.

Mr. Milles. Now do you know the quality of theſe Hops?

A. Yes. I inſpected them all.

Q. Were they good Hops?

A. They were Hops of a fair middling quality.

Q. What was the market price of theſe Hops?

A. About theſe prices.

Q. Now look at the paper, and deſcribe to us the contracts Mr. Waddington entered into on the 19th of April.

A. At the top of it are written theſe words: "We the underſigned do hereby engage to ſell to S. F. Waddington and Co. our Hops, to be delivered to him as under." The paper contains different columns; and at the top of the firſt is, *The 3d of May, at £.13 per cwt* —Then follow the names of thoſe of whom he made his purchaſes. D. Walker ſold him 2 pockets—J. Powell, 7 pockets—T. Godſall, 3 pockets—J. Mattey, 7 pockets, at £.11. That is all on that day.

Mr. Juſtice LE BLANC. That is, the 3d of May?

A. Yes, my Lord. The next day of delivery is the 17th of May, at £.13 10*s.*—T. Wennall, 13 pockets—Bridges, 5 pockets—S. Thomas, 16 pockets, and Thomas Winnall, 13 pockets, at £.12 per hundred weight.

Mr. Juſtice LE BLANC. Is that all on that day?

A. It is, my Lord. The next day is the 31ſt of May, at £.14 per cwt.—Henry Unett, 9 pockets—Thomas Hurdman, 7 pockets—N. Siriell, 10 pockets. Theſe are all that were to be delivered on the 31ſt of May. The next day of delivery is the 14th of June, at £.15 per cwt.—Thomas Winnall, 11 pockets at £.15—Knill, 10 pockets at £.14.

Mr. Plumer. Theſe are of a worſe quality, I ſuppoſe?

Witneſs. Tunſtal, 5 pockets at £.12 10*s.* and 42 pockets at £.14—J. Apperley, 14 pockets, at £.15—H. Gardner, 15 pockets

pockets at £.15---Good, 8 pockets at £.14 10s.---T. Smith, 8 pockets at £.15---Woodhouſe, 6 pockets at £.15---Timothy, 12 pockets at £.15—T. Harris, 5 pockets at £.15—I. Greaves, 10 pockets at £.15—J. Powell, 3 pockets at £.15—A. Hill, 4 pockets at £.15—H Gatehouſe, 24 pockets at £.14—J. Butler, 2 pockets at £.15—W. Hammond, 7 pockets at £15 —T. Vaughan, 9 pockets at £.15—J. Edwards, 6 pockets at £.15. That is all on this paper.

Mr. Juſtice LE BLANC. Very well.

Mr. Milles. The witneſs has *memoranda* of his own, to prove other contracts of the ſame date.

Mr. Dauncey. When were they made?

Witneſs. They were made at the time the contracts were made. I had them from Mr. Warwick, the partner of Mr. Waddington.

Mr. Peake. We aſk him, whether theſe *memoranda* were made at the time. He ſays they were; ſo far I have no objection. But he ſays he had them from Mr. Warwick. How then can they be evidence againſt this Defendant? They may be evidence againſt Mr. Warwick, but I apprehend they are not evidence againſt Mr. Waddington?

Mr. Juſtice LE BLANC. Did you receive the Hops for which theſe contracts were made?

A. We received the Hops for Waddington and Co. and paid for them.

Mr Juſtice LE BLANC. I think then you may give it in evidence.

Mr. Milles. You ſay theſe contracts were made on the ſame day, the 19th of April?

A. They were, and the Hops were to be delivered on the 14th of June.

Mr. Juſtice LE BLANC. Theſe were to be all delivered on the 14th of June, and you were to take them in for Mr. Waddington, and his partner. You have received all the Hops?

A. We have.

Mr.

Mr. Juſtice LE BLANC. Now the names, Sir, if you pleaſe?

A. Of J. Vevers, 3 pockets at £.15—of James, 8 pockets at £.15; three of which were rejected as unſound—of J. Biſhop, 4 pockets at £.15—of T. Jefferies, 6 pockets at £.15—of Hallon, 12 pockets at £.15—of Chambers, 3 pockets at £.15; theſe were rejected as unſound, and afterwards bought at a cheaper price—of J. Kedward, 13 at £.15—of T. Wheeler, 12 pockets at £.15—of Pennell, 5 pockets at £.14—of Bradford, 6 pockets at £.14, and 6 pockets at £.13. I believe that is all on that day.

Mr. Milles. When there is an alteration in the price, what is that owing to?

A. The price is different, according to the quality of the Hops.

Q. Do you know of any other bargains made for Mr. Waddington? Have you an account of any on the 3d of May?

A. Yes, I have. It is in the hand-writing of Mr. Waddington.

Q. And acted upon as ſuch—as containing contracts made by him?

A. Theſe are contracts made by Mr. Waddington on the 3d of May: and there is the ſame preamble which there is to the other contracts for different deliveries on different days.

Mr. Juſtice LE BLANC. How many columns does it contain?

A. There are two different days of delivery, my Lord.

Q. Name them.

A. The firſt is on the 31ſt of May, and the ſecond on the 26th of July. Of Tomkins, 13 pockets at £.12 10s. that was all that was to be delivered on the 31ſt of May.

Mr. Milles. That one lot. Now for the 26th of July?

A. Of Hammond, 26 pockets at £.15—of W. Ferrer, 8 pockets at £.14—of A. Farmer, 2 pockets at £.15—of J. Jones,

J. Jones, 6 pockets at £.14—of Margaret Hales, 15 pockets at £.15, and 5 pockets at £.14—of J. Green, 24 pockets at £.15—of Charles Wilſon, 10 pockets at £.15—Mary Rance, 10 pockets—of William Nott, 14 pockets at £.15—of William Cook, 12 pockets at £.14 10ſ.—of Richard Croydon, 2 pockets at £.14 10ſ.—of M. Brewer, 4 pockets at £.15—of Netherſol, 5 pockets at £.15—of William Green, 9 pockets, at £.15—of Pritchett, 10 pockets at £.15—of Gardiner, 17 pockets at £.15—of Hopcroft, 11 pockets at £.15—of T. Skelton, 3 pockets at £.14 10ſ.—of Samuel Downs, 13 pockets at £.15—of Apperley, 57 pockets at £.15—of T. Haynes, 5 pockets at £.15—of Nathaniel Smith, 10 pockets at £.15—of the ſame Apperley, 15 pockets at £.14—of I. Lilley, 8 pockets at £.15—Of T. Williams, 6 pockets at £.15—of Thomas Jones, 2 pockets at £.15—of John Gelling, 8 pockets at £.15—of Samuel Pritchard, 18 pockets at £.14 10ſ.—of John Kedward, 13 pockets at £.15—of Mathias Price, 10 pockets at £15—of T. Lower, 9 pockets at £.15—and of Francis Budham, 3 pockets at £.14 10ſ.

Q. This is all you have?

A. Yes, Sir.

Q. We find theſe Hops were weighed in the uſual courſe?

A. They were all weighed in the market at Worceſter.

Q. Who attends the weighing?

A. There is a public weigher appointed.

Q. Into whoſe cuſtody, after they were weighed, were they delivered?

A. To Meſſrs. Phillips and Yarrenton.

Q. Do you know whether they have been paid for and delivered?

A. They have been all delivered, and moſt of them have been paid for. One or two people, who delivered a quantity on Saturday laſt, have not been paid for them.

Q. There was a great delivery on Saturday laſt?

A. Yes,

A. Yes, there was.

Q. Mr. Waddington was here?

A. He was here.

Q. Do you know what quantity was delivered from the 29th of March?

A. Somewhat more than a thouſand pockets.

Q. There have been ſomewhat more than a thouſand pockets delivered to your houſe for the Defendant?

A. With what we ſold him, there has been that quantity between the 29th of March and the 26th of July.

Mr. Juſtice LE BLANC. Between the 29th of March and this time?

A. Between the 29th of March and this time, my Lord.

Mr. Milles. You are acquainted with the ſtate of Hops, Sir, and with the ſtate of the market. On the 29th of March was there a ſmall ſtock or a large ſtock?

A. Not a very large ſtock.

Q. Was the market well ſupplied?

A. Very well ſupplied.

Q. Did you know of any ſcarcity then exiſting in this article in the country?

A. Not in the leaſt—

Q. We have heard the market was a falling market?

A. There is no probability it would make a ſcarcity.

Q. Can you ſay what proportion to the whole ſtock of the Country a thouſand pockets bore at that period? What do you conſider to have been the ſtock on the 29th of March?

A. There might be, perhaps, 5000 pockets on the 29th of March in the whole country of Worceſterſhire and Hereforddſhire.

Q. Theſe are the places—this is the market from which the Northern parts of the country are principally ſupplied?

A. Yes, it is.

Q. It is a conſiderable ſupply to all the Northern counties?

A. Yes,

A. Yes, it is.

Q. Were you at the dinner?

A. No, Sir.

Q. Had you any converſation with Mr. Waddington, either before or after he went to market, about the ſtate of the market or the price of Hops?

A. I do not recollect that I had.

Q. Did you hear him ſay any thing to your maſters on the ſubject of Hops, either before or after the market?

A. I do not recollect that I did.

Q. When Mr. Waddington came down, do you know from him any ſtock of Hops that he had in Kent—whether he had any ſtock of Hops there?

A. I never heard him ſay any thing about Hops in Kent.

Q. Did you hear him ſay any thing on the 19th of April?

A. Yes, he did.

Q. What did he ſay on that day, on the Clover-ſacks?

A. He ſaid he was come down by invitation to dine with the Hop-planters, and not to buy Hops. He ſaid that to the Planters.

Mr. Juſtice LE BLANC. Where was that?

A. In the warehouſe of Meſſrs. Phillips and Yarrenton.

Q. Did he at that time ſtand on any thing?

A. He ſtood on a tump of Hops that ſtood there, and was two feet high.

Q. He ſaid he came by invitation from the Hop-planters, to dine with them, and not to buy Hops?

A. He did, my Lord—But that, if they were ſo preſſing to ſell, he would buy a few. He named the quantity he would buy, and the days; and mentioned the price he would give on each day.

Q. Any thing more?

A. I do not recollect any thing more that he ſaid.

Mr. Milles. But when he ſaid he was averſe to the buying

of Hops, do you recollect any thing that he ſaid to them by way of advice?

A. I cannot charge my memory with the words he uſed.

Q. Nor do I deſire you. When they preſſed him to buy, what did he ſay? did he give them any advice?

A. I cannot recollect—

Q. Let us try a little. You have a very fair underſtanding and memory in general?

A. I do not recollect any particular advice.

Q. Did he make any remark on their forwardneſs to ſell—any remark of ſcarcity?

A. He ſaid he was not made of money, and that he could not buy all their Hops;—that I recollect.

Q. Did he ſay any thing about the ſtate of the market, or the probable effect of it?

A. I do not recollect.

Q. Did you attend to what he ſaid throughout?

A. I dare ſay I heard the whole of what he ſaid.

Q. Did he ſay any thing about their ſelling, or not ſelling, when they preſſed him to buy?

A. I do not know.

Croſs-examined by Mr. WIGLEY.

Q. He ſaid he was come down by invitation to dine with the Hop-planters, and not to buy Hops; and that he was not made of money?

A. Yes.

Q. Now did he not ſay, Sir, that he had not money to purchaſe Hops; and that if he bought at all, it muſt be on credit?

A. I believe he ſaid ſomething to that effect.

Q. He had not money to pay for them immediately, and

of

of courſe the price was higher than if he had bought them for ready money?

A. Yes, the price was according to the time.

Q. Is it the buſineſs of the Hop-merchants here to ſell their Hops in this place, or to ſend them to other parts of the country; as Hops grow only in particular places?

A. Yes.

Q. I believe they are confined to Hereford, this county, Kent, and Surrey.

A. Certainly, in a great meaſure.

Q. The Northern parts muſt neceſſarily be ſupplied from this market?

A. Yes.

Q. Now, Sir, when Mr. Waddington ſaid he was come by invitation to dine with the Hop-planters, and not to buy Hops, was there not a great number of the Hop-planters crowding on him?

A. There was.

Q. He then got upon the ſacks, that he might be heard by all when he ſaid that he was not going to buy?

A. He did.

Q. Now, Sir, ſome of them are at a lower price than others?

A. Yes, Sir.

Q. If I underſtand you right, the price of ſome of the Hops was higher, becauſe ſome of them were better than others. I wiſh to aſk you this; was the price a fair price, according to the quality of the Hops? Did he not make the beſt bargains he could?

A. He offered his terms—what he would give on certain days—ſaying it was not his intention to buy then—but he gave his terms, and ſaid he would buy to the extent he mentioned of thoſe who choſe to accept of his terms.

Q. Some

Q. Some of them were rejected, as not agreeing with the ſample?

A. They did not prove the ſamples when they came.

Q. The ſamples were produced?

A. Yes, they were.

Mr. Juſtice LE BLANC. The ſamples were produced at the time of the contract?

A. They were, and delivered into my care.

Q. Is that the common way of purchaſing Hops in the market?

A. It is, my Lord.

Mr. Wigley. I underſtand from you, Sir, that they are not weighed till the time of delivery?

A. No. They are not.

Q. Now, Sir, in the carrying on of this trade, is it uſual for the Hop-merchants, who ſend to diſtant parts of the country, to buy large quantities at once?—Is that uncommon?

A. Not at all.

Q. Have you known them do ſo?

A. I have known ſome of the moſt reſpectable merchants buy large quantities.

Mr. Plumer. I object to that. It is not neceſſary to aſk whether other people engroſs as well as Mr. Waddington.

Mr. Juſtice LE BLANC. I ſuppoſe the tendency of this queſtion is, to ſhow that other people buy at the extent at which Mr. Waddington has bought. I do not know, if you were to eſtabliſh it, how it would apply, or what it would prove.

Mr. Wigley. It is merely to ſhow that the purchaſes made by other people were like thoſe of Mr. Waddington.

Mr. Juſtice LE BLANC. The difficulty is, to ſhow how it is evidence.

Mr. Wigley.

Mr. Wigley. If I ſhow it is neceſſary to carry on the trade, and to ſupply the different parts of the country——

Mr. Juſtice LE BLANC, *interpoſing.* But that is not ſhown by ſhowing that other people do it. The queſtion is, whether other perſons, in the ſituation of Hop-merchants, do not buy large quantities of Hops in this market to ſell again? That I take to be the queſtion.

Mr. Peake. Whether it was not uſual for Factors to deal largely for the purpoſe of ſelling again?

Mr. Wigley. The laſt witneſs proved that he had purchaſed 500, and ſometimes 600 or 700 pockets in a day.

Mr. Juſtice LE BLANC. I rather think you are carrying it further, certainly, than in the outſet, when the objection was firſt made. It was competent to aſk what the nature of the Hop-factor's trade was; namely, to buy Hops to ſell them again. But if you come afterwards with the evidence of many perſons buying large quantities of Hops, it does not ſtrike me—I am willing to hear it, but I do not ſee what it proves—It does not ſtrike me how it is admiſſible, becauſe it is not relevant as to the charges againſt any perſon. The buying large quantities of Hops is one of the charges in this caſe againſt the Defendant; and although you were to make out in the fulleſt and cleareſt manner that others dealt to the ſame extent, it might perhaps ſhow, that they as well as Mr. Waddington ought to be at this bar; but it can prove nothing elſe. I do not ſee that any offence is greater or leſs, the more or leſs it is practiſed. If a perſon commits a crime, and proves that every perſon in the town committed it, will that make him innocent? On the other hand, if this is not an offence, if it is not clearly within the Law, nothing can make it a crime.

Mr. Dauncey. My Lord, Mr. Waddington is charged by this Information with having got into his poſſeſſion a large quantity of Hops to reſell them at an unreaſonable and

extraordinary profit. Now, if we ſhow it is the conſtant practice to purchaſe large quantities of this commodity at market, and as common for them to ſell it again, do we not then ſhow, that when Mr. Waddington came into the market, he acted according to the uſual courſe of the trade; that he conducted himſelf in the market like any other fair trader; and that, conſequently, he did not purchaſe theſe Hops to reſell them for an unreaſonable and extraordinary profit?

Mr. Juſtice LE BLANC. I wiſh you to ſpeak in order.

Mr. Dauncey. Your Lordſhip doubted whether it would be received in evidence, inaſmuch as it is irrelevant. My Lord, will it not be relevant if we can ſhow that Mr. Waddington only did that which it was not uncommon to do? if we can ſhow, that he was acting in the regular courſe of trade, and that he was not taking an extraordinary profit? They charge him with doing that which others have not done; with doing that which they attempt to prove he has done; and for a ſpecific purpoſe, namely, to get an extraordinary profit, and out of the uſual and regular courſe. Now, in order to ſee that this has been out of the uſual courſe of this trade, we muſt ſee what the ordinary courſe of this trade is, which he is charged with having violated. And, indeed, I thought your Lordſhip had ruled that the anſwer was fit to be received—becauſe the queſtion was fit to be aſked.

Mr. Wigley. In addition to what my Learned Friend has ſaid, I was going to make this ſingle obſervation: That large purchaſes, from the nature of the trade, have always been made, and that Mr. Waddington has not gone out of the common road. And as other parts of the country are ſupplied from this, we wiſhed to ſhow how the trade was carried on.

Mr. Peake. I am not here to diſcuſs what the Law is,

much

much leſs to deny that engroſſing is an offence within the Law. But when Mr. Plumer opened this Caſe, he ſtated that Mr. Waddington did not act as a fair trader, and that there was ſomething extraordinary in his conduct. I do not know whether they wiſh to ſupport this preſent Proſecution by any other arguments; but it will never be ſaid that it is illegal for a man to purchaſe Hops, or any other commodity, in any quantity, becauſe his purchaſes are exactly ſimilar to thoſe of every other man in the trade. I am ſure ſuch an argument will never hold. And therefore you will not attach any blame to the conduct of Mr. Waddington, till you hear by the evidence of ſome witneſſes that he has gone out of the common road, and has violated the rules of the trade.

Mr. Juſtice LE BLANC. I do not think, in the preſent ſtage of this cauſe, or in any ſtage of it, this queſtion is a proper queſtion to be put, on the ground before ſtated. It does not apply to the matter in queſtion before the Court. The reaſonableneſs or unreaſonableneſs of the profit he is to make does not depend on the quantity he buys, compared with the quantity any other perſon buys. The extent of the profit, and the quantity bought, may perhaps be meaſured by the quantity produced and the quantity conſumed; but I can never admit as proof, to aſcertain the proportion how much a man ought to deal in, the ſhowing to what extent Factors have dealt in Hops in Worceſter. It is an irrelevant queſtion; and on that ground, as it is objected to on the other ſide, I think I am bound to ſay that queſtion ought not to be put.

Mr. Wigley to the Witneſs. You were acquainted with the ſtate of the market at that time?

A. Yes, I was acquainted with the ſtate of the market.

Q. In January the price was very high; and from the latter end of February till the 29th of March it was a falling market?

A. From the 29th of March there was a very great difference towards the latter end of May. On the 17th of May, and alſo on the 24th of May, the markets were as cheap as any they had.

Q. That was after the purchaſes made by Mr. Waddington in that market?

A. Yes.

Q. The 3d of May was the laſt day on which Mr. Waddington made his purchaſes?

A. It was.

Q. Do you know whether on the 10th of May the price was higher or lower than before? Have you any prices on that day?

A. No, I have not; but I think it was rather flatter than on the days of Mr. Waddington's purchaſes.

Q. We have heard that Hops are now dearer?

A. Yes, they have got dearer within theſe few weeks.

Q. What do you impute that to?

A. I impute it to the ſtate of the forthcoming crop—The Hops look very unpromiſing.

Q. The Hop is that ſort of thing that you cannot tell what it is likely to be till the time?

A. No. It is not that on which you can form a ſure judgment.

Q. Now, Mr. Pennethorne, when Mr. Waddington went down to the market, you ſaw him ſpeaking to ſeveral perſons. On the 29th of March, you ſaid, he ſpoke to ſeveral gentlemen; you did not hear what he ſaid, but he ſeemed to be anſwering queſtions they put to him?

A. Yes.

Q. Did it appear to you whether he maintained the converſation with them, or they with him?

A. I do not know.

Mr. Juſtice LE BLANC. He did not hear the words.

Mr.

Mr. Wigley. Pray, Sir, do you know enough of the growth of Hops, to know whether there is not now and then an inſect every two or three years, that comes upon the Hops, and produces a murrain, after a crop or two have ſucceeded? I will not ſay it is uſual; perhaps there may be a good crop for three or four years together.

A. There is no general rule to judge by. It does not happen that in every two or three years there is a murrain year. Sometimes two or three murrain years happen together.

Q. I underſtand the ſamples were produced in the Hop-market?

A. They were produced in the warehouſe.

Q. Where the Hop-planters were?

A. The Hop-planters followed him into the warehouſe.

Re-examined by MR. MILLES.

Q. Where are the Hops now which Mr. Waddington bought?

A. In different warehouſes in Worceſter, and ſome of them have been ſent to London.

Q. How many of them have been ſent to London?

A. I think 170 pockets.

Q. Now would not 1000 pockets have a conſiderable influence on the market? If one man had that quantity in his poſſeſſion, was it not in his power to produce a conſiderable effect on the market, if he choſe to exerciſe it?

A. I cannot ſay.

Mr. Peake. A few days ago, in the caſe of the King *v.* Ruſby, for regrating, which was tried by Lord KENYON at Guildhall, a queſtion of this kind was aſked by Mr. Erſkine—whether that which was in queſtion might not tend to

raiſe the market? The Noble and Learned Judge in that caſe ſaid, it was rather a concluſion for the Gentlemen of the Jury to draw.

Mr. Juſtice LE BLANC. I agree with you. That is right.

Mr. Plumer. It ſpeaks for itſelf.

Mr. Milles to the Witneſs. Do you really believe Mr. Waddington refuſed to buy for want of money?

A. He ſaid ſo.

Mr. Dauncey. We muſt not have theſe queſtions put forward.

Mr. Plumer. I hope this queſtion will be aſked, whether the witneſs does not know that his purpoſe was otherwiſe?

Mr. Juſtice LE BLANC. Put a queſtion, and then the gentleman can object to it.

Mr. Dauncey. He is your own witneſs.

Mr. Juſtice LE BLANC. There is but one rule in Courts of Juſtice. Witneſſes are to be examined in one way with reſpect to the manner of putting queſtions to them. I do not ſay you are not to ſcrew all the truth out of them; but you are not to croſs-examine them.

Mr. Plumer. My Lord, I believe ſome great men have entertained rather different opinions on that point.

Mr. Juſtice LE BLANC. I have heard of only one great man who was of a different opinion; but I think that is the better rule to be adhered to.

Mr. Milles to the Witneſs. You have heard him ſay he came there not as a buyer?

A. He ſaid, if he muſt buy, he muſt buy on credit, or words to that effect. He ſaid he was not made of money, and that he muſt buy on credit.

Q. Was

Q. Was that the only reaſon which you heard aſſigned by him for not buying?

A. It was.

Q. Theſe goods are never delivered, you know perfectly well, without the money?

A. The goods are not delivered upon credit.

Q. It is the cuſtom to pay for Hops when they are delivered, and therefore the proprietor keeps them in his hands till the day of delivery?

A. Yes, Sir.

Q. Was any intereſt, calculated on the money by way of diſcount, ſettled on the different prices of Hops?

A. I believe not.

Q. On what ſtatement was the difference calculated?

A. I cannot ſay.

Q. If Hops are to be delivered on a future day, is the intereſt calculated beyond the diſcount? Is that the practice in ſelling Hops, to take more than the diſcount of the money?

A. A man gives as he pleaſes. Theſe were the terms offered by Mr. Waddington, without any calculation paſſing between him and the Sellers, as far as I know.

Q. On the 19th of April was it a riſing or a falling market?

A. It was a flat market. It was not a riſing market, certainly.

Mr. Wigley. The witneſs before mentioned, that on the 17th and 23d of May the markets were as flat as any.

Q. When was it, Mr. Pennethorne, that the unpromiſing ſtate of the Hops began to appear? Was it not ſuſpected, at leaſt, by the end of May?

A. I think it was. The riſe has been particularly for the laſt three markets.

Mr.

Mr. Juſtice LE BLANC. He fixed his price, and propoſed his terms to the Hop-planters: to ſuch perſons as choſe to agree to thoſe terms, there they were?

A. Yes, my Lord.

Q. The unpromiſing ſtate of the Hop-grounds was apparent towards the latter end of May, did you ſay?

A. I think it was, my Lord.

JOHN RACSTER *examined by* MR. MANLEY.

Q. Mr. Racſter, did you ſell any Hops at this market at any time to Mr. Waddington?

A. Yes.

Q. When?

A. Some time in March.

Q. Are you a Planter?

A. Yes, Sir.

Q. Did you dine?

A. Yes, Sir, I did.

Q. At the Hop-Pole?

A. Yes, Sir; and, after dinner was over, I went and weighed off my Hops, and delivered them.

Q. A pretty good bargain, I believe, Maſter Racſter?

A. I did not think it a very good bargain.

Q. Not a very good bargain? Perhaps you are difficult to be pleaſed?

A. I do not think I had more than the market price.

Q. How much did you ſell them at?

A. £.13 per hundred weight.

Q. When was the day?

A. I cannot recollect, but it was the firſt time Mr. Waddington came down.

Mr.

Mr. Juſtice LE BLANC. What quantity did you ſell to him?

A. Thirteen pockets, I think, I ſold to him, at £.13 per hundred weight.

Mr. Manley. Now, though you ſay you did not get more for them than you ought to have had, did you expect to have for them that price?

A. If I had not had that price I ſhould not have ſold them that day.

Q. Do you then really mean, Mr. Racſter—remember yourſelf—Do you mean, now, to ſay, that you did not get any more than your money? I aſk you, whether you could have got the ſame ſum from any other Dealer?

A. I cannot tell, Sir: I did not offer them to any other Dealer.

Q. Did you converſe with any other Dealer?

A. Not that I know of.

Q. Do you mean, now, to ſay, you got only the market price of that day?

A. I think ſo.

Q. And you have always been of that opinion?

A. I have always been of that opinion.

Q. And you have always ſaid ſo?

A. No. I have not always ſaid ſo.

Q. When was it that you altered your opinion about it?

A. I never altered my opinion about it.

Mr. Dauncey. Let him explain it.

Mr. Manley. Having ſaid the contrary, I take it for granted it was true. Did you tell a falſity about it?

A. I did; and I meant to tell a falſity about it.

Q. Were you deſired by Mr. Waddington to tell a falſity about it?

A. No, Sir, nor by any other man. I meant it as a joke, and nothing more.

Q. What

Q. What was the joke?

A. They were laughing at me about Mr. Waddington. I ſaid, Who would deal with a Worceſter man when I can have more from Mr. Waddington?

Q. What was the ſum you ſaid you got more than the market price?

A. I think about £.60.

Q. You ſaid you ſold them for £.60 more than the market price?

A. I ſaid that in a joke.

Q. Who would ſell them to a Worceſter Dealer when he could have £.50 or £.60 more from Mr. Waddington? You did ſay ſo?

A. I did ſay ſo.

Mr. Juſtice LE BLANC. This goes for nothing. You call this witneſs, and you diſgrace him. If he is to prove any thing—if you call him to eſtabliſh your caſe—he has turned it into a joke.

Mr. Manley. You were at the dinner? Did you hear any toaſts after dinner?

A. I do not recollect that I did.

Q. Did you eat and drink ſo much that you do not recollect?

A. No. Mr. Waddington ſaid a great deal, but I do not recollect it.

Q. That was all a joke, I ſuppoſe. Now, did you not hear any toaſt given by Mr. Waddington?

A. No. I do not recollect.

Q. I aſk you, whether you heard any toaſts given?

A. I believe Mr. Waddington gave a toaſt; but I did not hear it, and I did not drink it.

Q. You did not drink it?

A. No, I did not.

Q. What did you hear him ſay, I am aſking you?

A. I do not recollect any thing that he ſaid.

Q. You do not?

A. No, I do not.

Q. Did you hear him give any advice to any body about their Hops?

A. I did not.

Q. Where did you ſit?

A. I ſat at a ſide table.

Q. Was that far from him?

A. Not a great way.

Q. Were you at the ſecond dinner?

A. I was in the ſame houſe, but not at the dinner.

Q. Perhaps you heard Mr. Chambers, your countryman, give a toaſt?

A. I did not.

Mr. Juſtice LE BLANC. Mr. Racſter, you will recollect if you remember any thing that was ſaid, you are bound to anſwer all the truth. If you do not recollect it you cannot anſwer it.

Croſs-examined by MR. PEAKE.

Q. How came you to ſay £60? They had been plaguing you about purchaſes, had they not?

A. They had.

Q. Did he make his purchaſes like other men?

A. I took a friend with me to ſhow him mine. He was in Mr. Yarrenton's warehouſe.

Q. But, when you ſold them to him, you ſold them as to any body elſe? Did you receive any more than you were entitled to?

A. No more than I thought I was entitled to. People aſked him to buy their Hops. A good number of people

were about him—They did not know how to get round him.

Q. I believe you would think he was a nice man to get hold of?

A. I have ſold Hops for 35 years, and I never knew a gentleman come from London that did not raiſe the market.

Mr. Manley. You never knew a man come from London who did not raiſe the market? Was Mr. Waddington the firſt man who did not raiſe the market?

A. I do not know exactly.

Q. I want to know whether Mr. Waddington is the only gentleman that ever came into the market without raiſing it? I ſhould like to know how the others conducted themſelves.

A. I do not know whether he raiſed the market.

Q. It made no alteration in the market at all on the market days?

A. I cannot tell.

Q. When other people came from London, I underſtood it made an alteration you ſaid?

A. Yes, Sir.

WILLIAM GREEN *examined by* MR. SCOTT.

Q. William Green, are you a Hop-planter, Sir?

A. Yes.

Q. When did you firſt become acquainted with Mr. Waddington?

A. I never ſpoke to him before the 3d of May.

Q. On that day were you ſelling Hops in the Worceſter market?

A. Yes, I was.

Q. At

Q. At what price had you offered your Hops to Mr. Hodges?

A. On that day, or on the 19th of April, I will not be ſure which, I offered them to him for £13. I will not be poſitive on which of the two days it was.

Q. How many pockets were there?

A. Nine.

Q. Now, on the ſame day, at what price did you ſell them to Mr. Waddington?

A. I ſold them on the 2d of May, I think, for £15.

Mr. Plumer. The ſame nine pockets?

A. Yes, the ſame nine pockets.

Croſs-examined by Mr. DAUNCEY.

Q. When were theſe Hops to be delivered?

A. On the 26th of July.

Q. Hodges was to have had them in a few days?

A. In a week or a fortnight.

Mr. Juſtice LE BLANC. How came theſe Hops, that you had offered to ſell to Thomas Hodges for £13, to ſell for £15 to Mr. Waddington?

A. It was early in the day. I will not be poſitive it was on the 19th of April, though it was either on that day or on the 3d of May. To the beſt of my recollection it was on the 19th of April, but I will not be poſitive.

Q. I conſider the difference of price for credit, from the 3d of May to the 26th of July, to be 40*s.* Is that the uſual credit?

A. No, my Lord, I believe not.

Q. I want to have it explained.

Mr. Dauncey. He believes he offered them to Hodges on the 19th of April.

Mr. Juſtice LE BLANC. The evidence was, that on the 3d of May, or the 19th of April, he was not certain which,

he offered them to one Hodges at £13, and ſold them afterwards to Waddington at £15, to be delivered on the 26th of July.

Mr. Plumer. Will your Lordſhip aſk him, when he offered them to Hodges? Whether it was before Waddington came or after?

Mr. Juſtice LE BLANC. Do you know when Mr. Waddington came on the 19th of April? Was it before he came that you offered them to Hodges for £13?

A. I believe it was.

Mr. Scott. Now do you know whether you offered them to Mr. Waddington on the ſame day or not?

A. I never offered them to Mr. Waddington till the time I ſold them: that was, on the 3rd of May.

Q. Did you not offer them on the 19th of April?

A. No.

Q. Did you offer them to him at the counting-houſe of Meſſrs. Yarrenton and Phillips?

A. I did.

Q. At what price?

A. At £15, and he accepted them.

Mr. Juſtice LE BLANC. Did you propoſe to him to be paid on the 26th of July?

A. No, my Lord, I did not propoſe it: it was his propoſal. I offered them to him after he had fixed the price at £15.

Q. Was the price he offered for them, to be delivered at that time, his own price, and not the price you aſked him?

A. Yes, Sir.

Mr. Dauncey, He is among the names.

Mr. Plumer. I do not underſtand it. To the beſt of his recollection, he ſays, it was the 19th of April. We will call Hodges, and ſhow it was the very ſame day.

THOMAS

THOMAS HODGES *examined by* MR. DOWDING.

Q. Did Mr. Green offer you ſome Hops on the 3rd of May laſt?

A. Mr. Green offered me nine pockets of Hops at £13 per hundred weight.

Q. Do you know if theſe were the ſame nine pockets, which he afterwards ſold to Mr. Waddington?

Mr. Juſtice LE BLANC. Mr. Green himſelf has ſaid they were the ſame.

Croſs-examined by Mr. WIGLEY.

Q. When was it that theſe were offered to you? At what time?

A. As early as 9 o'clock, or between 9 and 10 in the morning.

Q. Did you ſee him afterwards? Did you ſee him after he had ſold them to Mr. Waddington?

A. I did not.

Q. Have you any memorandum it was on the 3rd of May?

A. I ſaw it entered in the liſt that has been produced that Mr. Green did ſell nine pockets of Hops to Mr. Waddington.

Q. Now on what ground do you imagine theſe were the ſame he offered to you.

A. He told me he had no more,—a week or fourteen days before he ſaid he had nine pockets of Hops, and ſhould be very glad to ſell them.

Q. What buſineſs are you?

A. A Hop-merchant.

Q. What

Q. What is a Hop-merchant?

A. A perſon that buys and ſells Hops.

Q. You are not a retail dealer, I preſume, Sir?

A. No, Sir.

Q. You therefore buy large quantities of Hops to ſell them again in this City, or in other places?

A. It is not often that I ſell them again in this City.

Q. Of courſe, Sir, you ſend them to other parts of the Country?

A. Yes.

Q. Pray, Mr. Hodges, how long is it ſince you knew firſt of the Information we are now trying? You are not one of the proſecutors? Your Clerk made the Affidavit on which the Rule was granted. Who are the proſecutors?

A. I do not know.

Q. Who were the perſons that applied to you to let your Clerk make the Affidavit.

A. I was not at home.

Q. Who applied to you for the purpoſe of making the Affidavit?

A. No perſon.

Q. Were you applied to?

A. No, I was not.

Q. Then no application was made to any body reſpecting the inſtitution of this proſecution?

A. No, Sir.

Q. Who was the perſon that ſubpœnaed you?

A. I am ſubpœnaed.

Q. Let us ſee how far you will go. You do not know the name of the Attorney for the proſecution?

A. There are ſeveral Attornies from London.

Q. Could you not make a gueſs?

A. I ſhould not like to gueſs at all.

Q. Do you know the perſon that ſerved you with a ſubpœna?

A. I ſhould know the perſon that ſerved me with a ſubpœna if I ſaw him.

Q. Do you know the name of that perſon?

A. I do not know the name of the perſon who ſerved me with the ſubpœna.

Q. Now, Sir, after Mr. Waddington had been there, did you not know that many of the Hop-planters prevented Hops coming to the market for fear they ſhould be ſold to Mr. Waddington?

A. I do not know any thing of the ſort.

Q. You did not know any thing of the ſort?

A. I did not.

Q. You never bought ſuch as 100 pockets at a time?

A. Yes, Sir, I have.

Q. More, perhaps, than 200 pockets?

Mr. Juſtice LE BLANC. That is a queſtion which I do not ſee how you can at all make uſe of.

Mr. Wigley. Were you at the warehouſe of Meſſrs. Yarrenton and Phillips?

A. No, Sir, I was not. I never go to any body's but thoſe I have buſineſs with,

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ARCHIBALD DUNCAN, *examined by Mr.* PLUMER.

Q. Mr. Duncan, pray what buſineſs are you?

A. I ſell Hops. I am a Hop-ſeller.

Q. Where do you live?

A. In this City.

Q. How long have you been acquainted with the buſineſs?

A. More

A. More than 30 years, but I have not followed it entirely. I have been 22 years in the trade.

Q. Do you remember, on the 29th of March, what the ſtate of the market was with reſpect to Hops?

A. I was on a journey.

Q. When was that?

A. Before the 19th of March.

Q. You ſaw the market about that time?

A. The market had been very flat.

Q. How long had you been abſent?

A. About three weeks.

Q. When did you ſet out on your journey?

A. About the beginning of March. They were then on the decline.

Q. On the 29th of March there was no ſcarcity at all?

A. There was not much demand, Sir:

Q. How long did that ſupply continue abundant?

A. There was no ſcarcity—there was no ſcarcity all along—I found as much Hops at all times as I had money for.

Q. Now, do you remember Mr. Waddington coming to the Worceſter market on the 29th of March?

A. I do; but I neither ſpoke to him, nor heard his harangue.

Q. I would only aſk you, generally, what effect his coming down had upon the market?

A. It made it advance, undoubtedly.

Q. Have you the leaſt doubt that, if he had not come there, the price of Hops would have been leſs than it was after he came there?

A. I have no doubt at all.

Q. To what amount might the market be advanced by his coming?

A. Not leſs than £1 per hundred weight.

Croſs-

Croſs-examined by Mr. PEAKE.

Q. Do you know who proſecutes this Information?

A. I do not know them of myſelf. I do not know one of them by whom the proſecution is carried on. I know the Attorney, but I do not know by whom the proſecution is carried on.

Q. Now you are of opinion there was no ſcarcity?

A. Not at all: there was no ſcarcity at all.

Q. The markets fluctuate ſometimes?

A. They do.

Q. I am going to aſk a queſtion which you may either anſwer or not, as you pleaſe: Is it a practice among ſome Gentlemen, and with you among others, to ſell in the ſame market again?

Mr. Juſtice LE BLANC. It is certainly a queſtion which the witneſs himſelf need not anſwer, becauſe it does not apply in any one ſenſe.

Mr. Peake. It goes no further than to the credit of the witneſs.

Mr. Juſtice LE BLANC. You may aſk him, whether he did not commit a highway robbery in one county, and murder in another, to impeach his character.

Mr. Plumer. Do you ever make a ſpeech to the people that come to ſell, when you are going to buy?

A. No, Sir, I do not.

WILLIAM HOOPER, *examined by Mr.* MILLES.

Q. Mr. Hooper, you are a Hop-merchant, I believe, in this City?

A. Yes, Sir.

Q. Do you know the ſtate of the market when Mr. Waddington came down?

A. I was then on a journey. I went on a journey a fortnight before the 29th of March. I left it in a falling ſtate. On the 29th I returned.

Q. Do you know what the ſtate of the market was on that day?

A. The market was very flat the beſt part of the day?

Mr. Juſtice LE BLANC. You returned juſt before the 29th, did you?

A. On the 29th, my Lord, in the morning—at 10 o'clock in the morning.

Mr Milles. Well, Sir, you ſay it was very flat—Mr. Waddington's appearance here, had that any effect on the market?

A. It operated on the market.

Q. It did.

Q. What was the effect?

A. After he appeared, the price of Hops roſe from 10 to 20 ſhillings a hundred.

Q. Can you aſſign any other cauſe?

A. No other than his coming into the market.

Q. If he had not come, what do you think the ſtate of the market would have been?

A. I think the market would have been much lower.

Croſs examined by Mr. WIGLEY.

Q. Did you buy any thing that day, Sir?

A. I do not know whether I did or not.

Q. Recollect yourſelf. Did you buy any thing that day?

A. I never looked.

Q. Does not your memory ſerve you to know whether you bought any that day?

A. Mr. Waddington would not buy of a Hop-merchant.

Q. You are a Hop-merchant?

A. Yes.

Q. It

Q. It was not you that put your Hops into an owner's hand, that they might be ſold to him—that was not you, was it?

A. No, Sir.

Mr. Plumer. We have done, my Lord.

[*End of the Evidence.*]

Mr. Juſtice LE BLANC. Has any of you marked the names in the Information?

Mr. Plumer. My Lord, we ſhall do that.

Mr. Wigley. There is not one half of the names in the Information.

Mr. Plumer. One fourth of them will do.

Mr. Wigley. H. Unett is one of the Sellers named in the Information—John Racſter is another—T. Holder, Brewſter, Melward, and Humming—Theſe are all of the liſt of the 29th of March, of whom Mr. Waddington bought himſelf.

Mr. Juſtice LE BLANC. Going on in this way is only loſing time. You had better take a liſt, and mark them.

Mr. DAUNCEY'S SPEECH for the DEFENDANT.

"*May it please your Lordship,*

"Gentlemen of the Jury,

"AFTER having been exhausted by such attention as it was my duty to pay to this cause, I have a right to claim at your hands a little indulgence for myself and also for the person I represent. I have to solicit all your attention to a question which my Friend in his opening has stated to be so clear, that 'no man can doubt,' but which he has employed eight long hours in endeavouring to convince you of. This of itself seems capable of affording an inference directly contrary; and you cannot but see that, so far from being self-evident and clear, it is a question of great doubt, of great difficulty, and a question that requires all the evidence that can be ransacked from every corner. Gentlemen, that it is 'a question of great magnitude, and of great importance,' I readily concede to my Learned Friend. But, as it strikes my mind, it is a question in which I am not standing here for Mr. Waddington as a private individual, but that, in his name and person, I represent all the Trading Interest of this kingdom—a weight infinitely too heavy perhaps for me to support. I stand here for a trading interest which has advanced this Country to the state in which it is—for a trading interest, which it has been the policy of the Law to favour and support—for an interest by which we exist as a Nation. Whatever we are, whatever we may become, must arise from this source, *Freedom of Trade*—By this alone we are supported—But this my Friend endeavours to check, conceiving (and it ought to be checked if he is right in that conception) that freedom of trade does not apply to this case, but that Mr. Waddington, as an individual, has broken the

Laws of his Country. Nor does it reſt there: for the crime of which he is accuſed, is treated, not as an error of judgment, not as a fault which any fair trader might commit, but as '*a crime of deep malignity.*' Such is the charge which he is to anſwer; and to anſwer becauſe he has done it openly, and in the face of all the world—which no guilty man ever yet did. Was it ever heard that a man with 'deep malignity' in his mind, and with a determined purpoſe to contravene the Laws of his Country, went openly, in the face of the ſun, and called around him a great number of perſons who might afterwards be examined in a Court of Juſtice as witneſſes of his guilt?—'Take notice I am about to break the Law.' Whether he has broken it does not apply to this part of the queſtion. When he is charged with that 'deep malignity,' his actions ſay that the charge is unfounded. His actions ſay he was doing a thing he conceived he was juſtified in doing; ſuppoſing he did no more than come into a market overt, and buy a quantity of that commodity for the purpoſe of ſelling it again; not to make an unreaſonable or extraordinary benefit, but to ſell it in the ſame way in which the proſecutors of this Information ſell it, and thoſe perſons who have been called againſt him to-day. It is no ſecret in this caſe who the proſecutors are—but *the Public* have a right to ſee (no matter who they are) the public have a right to ſee this buſineſs examined and ſifted—*the Public* (as repreſented by his Lordſhip) have a right to ſee whether the party is guilty or not of the charge alleged againſt him by this Information. Whatever may be the ſecret ſprings, and lurking motives, good, bad, or indifferent, of thoſe who bring forward this proſecution, *the Public* have a right to ſee it fully examined, and the Defendant's guilt or innocence clearly aſcertained. I admit this, and I wiſh to treat the Public with that reverence which is due to it on this and all other occaſions.—I dare not ſay that whether

whether ſuch Laws ought to exiſt is ſo clear, that they who run may read—or, on the contrary, whether the wiſdom of thoſe Laws was doubtful. But the wiſeſt and greateſt Statesmen have doubted—Doubted did I ſay? The wiſeſt heads have diſapproved of them, and it is to what they have ſaid I wiſh to appeal.

"Gentlemen, having ſaid that this is a queſtion of importance as affecting the Public, and alſo, from the manner in which it is put, as affecting the private character of Mr. Waddington, let me aſk you whether, in a caſe where the Public was concerned, it was neceſſary, in a ſpeech of ſuch length and of ſuch ability, to inflame the minds of the People (who are in ſuch a ferment already) in order to obtain a Verdict? A Verdict you muſt give; but (be it for me, or for my friend) that Verdict will be improperly given, though on the right ſide, if paſſion or prejudice mix with it. I do not ſay 'give your Verdict to me,' but give even a right Verdict on wrong motives, and you do not diſcharge your duty. Let no man among you think that I ſuppoſe that will be the caſe: God forbid! but I am driven to make ſuch obſervations from the turn this cauſe has taken. My Friend has been inſtructed to bring it forward mixed with prejudice; it is my duty to do away that prejudice; and I am ſure that I ſhall meet with your attention, and that you will aſſiſt me in freeing your own minds.—Gentlemen, in order to try this queſtion properly, you muſt try it coolly and diſpaſſionately. Was it neceſſary for my Friend to ſtate to you what large burthens were borne by the Public?—What credit they had deſerved for the manner in which they had borne them? and then glancing indirectly as if part of thoſe burdens had ariſen from ſomething Mr. Waddington had done; though, in fact, what he did had not the leaſt tendency towards it. Mr. Waddington has been deſcribed as '*pauperum depreſſor*,' becauſe he has bought ſome Hops;

Is it an article ſimilar to that to which it has been compared? and was it fit to be ſo brought forward in the preſent ſtate of the Country? Am I ſtanding in the ſituation of thoſe who (with much more ability in other reſpects) defended men who had bought (not Hops, but) Corn, and ſold it again, in the ſame Market, in half an hour afterwards, at a price greatly advanced; and ſo bereaved the Poor of their earnings?—Am I ſtanding here for a man of that deſcription?—Gentlemen, I am not. That is a ſubject, therefore, which in fairneſs and candour ought not to weigh on your minds. You cannot but recollect the Poor have been ſupported by your own bounty; but though that be ſo, you will free your minds from its impreſſion, and ſay, We will not mix any indignation in this cauſe which ought not to find a place there.

"Gentlemen, as to the Law upon the ſubject, my Friend ſays 'there can be no poſſible doubt.' Let us ſee a little what he ſtates the charges againſt us to be, and then let us ſee whether or not there is any doubt on the ſubject in law or in fact; for the facts you are to judge of. Let us ſee whether there are any doubts on the caſe.

"He ſays there are two charges againſt Mr. Waddington; the firſt charge is, that by ſpreading rumours and addreſſing arguments to the Sellers to withdraw their commodity from the Market, he endeavoured to enhance the price. The ſecond charge is, that by engroſſing and getting into his own poſſeſſion a large quantity of Hops to reſell at an extraordinary profit, and to prevent their coming to Market, he alſo endeavoured to raiſe the price. And my Friend ſays that in both theſe another ingredient muſt be found, namely, 'that ſuch was his intention throughout.' Then it is a queſtion of fact, indeed; but of fact coupled with intention. Such is the caſe that is laid before you, and I think you have it before you truly. Gentlemen, on this ſubject, 'the Law being

being too clear to need any mention,' my Learned Friend does mention that Law. 'I need not (ſays he) ſay any thing of the Law, it is too clear;' and therefore (perhaps not with much conſiſtency) he tells you that Lord Coke ſaid ſo and ſo, and alſo refers you to Mr. Serjeant Hawkins's Pleas of the Crown; a book, I admit, of high authority. Such is the Law, ſays he, which I need not mention to you. It is not uſual for my Friend to introduce into a cauſe that which need not be mentioned, but to produce ſome effect. He ſtated juſt as much as was neceſſary to meet the occaſion, and then proceeded to detail that evidence which, I was going to ſay, he afterwards proved at length. But, Gentlemen, recollect a little, after you have compared the evidence with the opening; recollect a little whether my Friend's inſtructions were correct, for I am ſure he would not mention to you that which was not ſtated to him. Mr. Waddington, he tells you, came down to Worceſter on the 29th of March. Being a Dealer in Hops, he was guilty 'of a great crime'—'of a crime of deep malignity'—by coming to a place where that commodity was ſold. I ſhould ſuppoſe ſuch a circumſtance could excite no great ſurprize. He goes through the Market openly, as a ſtranger there. The Planters come around him, and are deſirous that he ſhould buy their Hops. Now obſerve the charges againſt him, and the conſiſtency of theſe charges. Mr. Waddington is charged with ſpreading rumours and reports to prevent this commodity from coming to Market, with an intent to enhance the price; ſo that this man 'of great penetration,' as my Friend deſcribes him, ſpreads abroad reports among the Hop-planters, 'to induce them to keep back their commodity from the Market, and ſo to raiſe the price.' And what is the next charge againſt him? He is charged with getting into his own hands, by buying a large quantity of Hops, for the ſame purpoſe, 'to enhance the price.' Am I ſtating this

this correctly?—Can it be applied to any man 'of great penetration' or 'of deep malignity?'—Can you poſſibly believe, that any man who is not an ideot, a mere driveller, is capable of two ſuch purpoſes at one and the ſame time? This Gentleman ſtands charged with coming into the Worceſter market, meeting all the perſons who had Hops to ſell, which commodity he wiſhed to engroſs. And this man 'of deep penetration' is deſcribed as ſaying—I mean to buy up all your commodity—I mean to raiſe the price of Hops—there is a ſcarcity among the brewers, and you may make of them £20 a hundred weight, whereas now the price is only £12 10s.; I tell you that, and I tell you that I wiſh to buy up the commodity, conceiving that I may afterwards ſell it out at an extraordinary profit.—Gentlemen, there are ſome things ſo glaringly inconſiſtent, that if they were proved, they could not be believed. As it is a queſtion of intention, can a man intend that of which he takes every poſſible means to prevent the execution? My Friend puts it broadly to you, and with a confidence that he will receive an anſwer in the affirmative. It is impoſſible you can be ſo duped—It is impoſſible that you can ſo ſurrender your underſtandings to him, and believe that which a man's actions directly contradict. Judge Mr. Waddington by his actions, and then ſee if you can make theſe two charges againſt him conſiſtent. It is ſtated, that this intention muſt pervade the whole, or otherwiſe he muſt be acquitted. And when he is acquitted, you are told, *the Proſecutors will rejoice:*—Will they?—Will the joy of Mr. Waddington's acquittal be heard in the Borough?—Will it rejoice thoſe Gentlemen in whoſe hands the market *was?* I doubt extremely the joy of the London Factors at finding that other people may go to market to buy Hops for ſupplying the Public:—I doubt the Proſecutors *are too much intereſted* in this buſineſs to expreſs

any joy at ſuch an event. This is a queſtion, not between Mr. Waddington and the Public, but between him and the London Factors:—It is whether *he* may go to market and buy this commodity at a fair price, or whether the Planters ſhall be obliged to ſell their commodity to thoſe Factors who are to ſell it themſelves again to the Brewers. This Proſecution was commenced by thoſe *Public-ſpirited* beneficent Gentlemen, on the ground, that if Mr. Waddington had not gone into the market, this commodity would have come at a lower price into the hands of the ultimate conſumer! But you ſee it is a joke to ſuppoſe that I would go back to London, from whence I ſee a Gentleman has come, and I would aſk whether it would have that effect there? If Mr. Waddington had not been a purchaſer, ſome other Dealer would, and it would not have made a difference of one ſingle farthing to the ultimate conſumer.—The firſt charge in the Information, that of ſpreading rumours, &c. to enhance the price of Hops, is a charge quite diſtinct from the other; and, as it ſtrikes my mind, perfectly inconſiſtent with it.—Gentlemen, the Law my Friend has thought neceſſary to lay before you, and one of the authorities from which he has taken it, is HAWKINS's PLEAS OF THE CROWN. But I believe that author gives another ingredient beſides thoſe my Friend ſtated. As he read the paſſage it was, "that all endeavours whatſoever to enhance the common price of any merchandize, and all kinds of practices which have an apparent tendency thereto, whether by ſpreading rumours, &c." The words of Hawkins are 'ſpreading FALSE rumours, &c.' and there is no authority that ſays, ſpreading rumours is an offence. Now I aſk, if there is a Count in this Information that charges the Defendant with ſpreading FALSE rumours? You muſt be convinced, not only that he ſpread the rumours; not only, by theſe rumours, that he

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endeavoured to enhance the price of Hops; but that the rumours which he ſo ſpread were falſe. I conceive the rumours ſo ſpread ſhould be untrue.

"Now, Gentlemen, it is alſo neceſſary that theſe rumours ſhould be proved in the manner in which they are laid in the Information: and I take the freedom to ſay that the evidence on that ſubject, if I have taken it correctly, does not prove the charge in the Information. There are three Counts in the Information, or three different ways in which that charge is made. The firſt is, that he, wickedly intending to enhance the price of Hops, did ſpread divers rumours and reports with reſpect to Hops, by then and there openly and wickedly, in the preſence and hearing of divers Hop-planters and Dealers in Hops, aſſerting, declaring, and publiſhing, that the then preſent ſtock of Hops was nearly exhauſted; and that from that time there ſoon would be a ſcarcity of Hops; and that before the Hops then growing could be brought to market, the then preſent ſtock of Hops would be exhauſted; with intent, &c. The ſecond Count is nearly the ſame with the firſt. Now, Gentlemen, do you recollect the evidence? It will depend not on what I recollect, but on what his Lordſhip will read to you from his notes. The evidence is not general as the charge laid in the Information, but it is, that the ſtock of Hops *in the hands of the Brewers* was nearly exhauſted; and that very ſoon *the Brewers* (and not the Public in general) would be obliged to come to him or the Planters, and that Hops would be at £20 per hundred weight.—If it is neceſſary to ſtate rumours, it is neceſſary to prove them as laid in the Information.—They have not been ſo proved. The ſtatement in the Information is general; whereas the evidence is only qualified. It is, that the ſtock of Hops in the hands of a particular deſcription of people only, in the hands of the Brewers, was nearly exhauſted. Surely, therefore, there is an end of theſe

two Counts. In order to reach the party on either the one or other of them, the proof muſt be general, and correſpond with the charge as laid in the Information—*Dolus verſatur in generalibus*. The next inquiry will be, whether if they have failed in proving the reports and rumours as laid in the two firſt Counts, they can reſort to the third, which I conceive to be bad in Law. But on that you will receive his Lordſhip's directions. I ſay I am relieved from that charge. I contend the two firſt Counts have not been proved, and the third I take to be bad in Law. But even if that is not ſo, and ſuppoſe the directions you ſhall receive from his Lordſhip are not ſuch as I flatter myſelf they will be, ſtill you are to be convinced that the reports which Mr. Waddington ſpread were *falſe*. And you will recollect the evidence that has been given on that ſubject. You find, for four years preceding the year in which this tranſaction took place, namely, the preſent, there had been bad crops. Ever ſince the year 1794 the Hops had been bad. The year 1797, which was rather better than ſome of the others, only produced three-fourths of a good crop. The years 1798 and 1799 had been conſiderably worſe. If then, there had not been a good crop of Hops in the Country ſince the year 1794, there muſt, of neceſſity, be truth in the obſervation, that there was a ſcarcity in the commodity he was talking about. Mr. Waddington ſaid to the Planters, that Hops were ſcarce. Let the Proſecutors ſhew that the rumour which he ſo ſpread was not true. It is neceſſary the rumour ſhould be falſe; and therefore it is neceſſary there ſhould be no ſcarcity at all. And can you convince yourſelves on the evidence, in the teeth of theſe bad crops for ſo many years, that there was not a failure of that commodity? I do not aſk whether it was annihilated, whether there were no Hops then to be found; but I aſk you, in the fair language of common ſenſe, whether there was not a ſcarcity of the commodity;

commodity; and whether the allegation, as laid in the Information, has been proved.

Gentlemen, having ſaid ſo much on the ſubject of the three firſt Counts in the Information, I come now to the ſecond charge; which is, that he had got into his hands a conſiderable quantity of this commodity, to ſell it again at an extraordinary price. In this, therefore, my Friend accuſes him of the crime of Engroſſing. And he accuſes him in general terms, without being kind enough to point out to you or to me what it is that conſtitutes that crime. You are deſired to convict a man of a crime, the nature of which my Friend has not condeſcended to explain. This alſo I ſuppoſe is ſo clear that it needs no explanation. And you are to find Mr. Waddington guilty of ſomething that has a legal meaning, or no meaning at all. Has he told you what the meaning of engroſſing is? If not, I muſt ſay ſomething upon it. Engroſſing is a word of ſome *comparative* meaning; or if it be not, it is ſtill more in my favour. If it does not mean a part of the whole, it muſt mean the whole itſelf. That he has engroſſed the whole of this commodity, I need not trifle with your underſtandings by denying. It is clear they have not proved that. And that he bought a ſufficient quantity to conſtitute him an engroſſer muſt be proved.—— Now, Gentlemen, it is ſaid that crimes ought to be nicely and clearly deſcribed, ſo as to leave no doubt in the minds of Juries; as in this inſtance, what amounts to an engroſſing. I will tell you what my caſe is, and on which I am to contend, and with the firmeſt confidence for your Verdict.—I ſay, to conſtitute an engroſſer, a very large quantity muſt be taken of that commodity which is ſaid to have been engroſſed. If Mr. Waddington had bought one pound only, would he then have been an engroſſer? I chooſe to begin in this way, and I muſt know where to ſtop—I muſt know when he has taken enough to conſtitute him an engroſſer, if he had taken

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it with the intent alleged. There ought to be ſome clear, plain, intelligible rule, by which you are to judge. Unleſs there is ſuch a rule that is obvious to the underſtanding of every man, you involve every trader in difficulties, becauſe he does not know how far he may go with ſafety. The line ought to be ſo clearly drawn, that every man can ſay, If I only go ſo far I am ſafe; but, if I go one inch beyond it, and purchaſe one pocket of Hops more, I am an engroſſer. Eſtabliſh the following rule, and I conceive every man will be ſafe: That if any man take from the market ſuch a quantity of any commodity as not to leave enough for the common purpoſes of thoſe buyers who come after him, this ſhall be conſidered as engroſſing. If they do not adopt that rule, I conceive no fair criterion can be laid down by which this offence can be aſcertained. If this is to be the rule, apply it to the caſe now before you. If I underſtand my Friend correctly, he conceived the quantity of pockets of Hops in hand then in the Worceſter market, without looking abroad, and without ſaying what quantity there might be in other markets, to be about 4000 pockets. Of theſe 4000 pockets, my Friend has endeavoured to prove that Mr. Waddington had bought up 7 or 800 pockets, and one of the Witneſſes ſaid about a thouſand pockets were bought up in the whole. So that he purchaſed about one thouſand pockets out of the four thouſand; that is, one fourth part of the exiſting commodity. And you have it on the evidence, that it was quite common to go into the market and to buy 2 or 300 pockets at a time; and ſome, at ſome ſeaſons of the year, had bought 500, 600, and even 700 pockets in one day; in three days there was therefore nothing uncommon in purchaſing Hops to the amount of a thouſand pockets. It is for you to conſider, whether that quantity amounts to my idea of the crime of engroſſing; if that idea is afterwards ſanctioned by his Lordſhip, I ſay that the proof falls ſhort

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in carrying it up to ſuch an amount as to conſtitute a crime—I contend that Mr. Waddington has not taken enough to him an engroſſer.

"There is a caſe reported in Cro. Car. 231, the name of which is, THE KING AGAINST MAYNARD. That was an Information for engroſſing 100 buſhels of Salt to ſell it again contrary to the Statute of the 5 and 6 Edw. VI. c. 14. It was there ſaid, that Salt was not within the Statute. And there is a caſe there cited, in which it was decided that HOPS were not a victual within the Statute. I am not uſing the caſe for that purpoſe, but for another, which I will mention to you. The caſe goes on and ſtates the great inconvenience that would ariſe if Salt were prohibited to be engroſſed; for that it would compel individuals to go and buy *by the buſhel at the ſhips or the pits.* It ſays, if I engroſs ALL the Salt with an intent to ſell it again at my own price, and at an unreaſonable price, *I may be* indicted for an offence at Common Law.

"Now, Gentlemen, my Friend has told you that you are proceeding by the rules of the Common Law. He has cited no caſe as particularly applicable to this ſubject. But I ſhow you a caſe in which a diſtinction is made between a part of a commodity and the whole. It ſtates a diſtinction exiſting as to the quantity between a proceeding at Statute Law, and a proceeding at Common Law. And it ſays, if a man engroſſes all the Salt to ſell it at his own price, he may be indicted for an offence *at the Common Law.* Does not this furniſh a fair ground to ſay that engroſſing means buying up *all* the commodity. But if it does not mean that, he muſt take ſuch a quantity as does not leave enough for the conſumption of thoſe perſons who afterwards go to market. I do not therefore ſay this without an authority in my favour. I then ſay, on the authority of the caſe of the KING v. GOLDESBOROW, 2 BULST. 317, the quantity engroſſed

groſſed ought to appear. If Mr. Waddington is to be tried by the rule I mentioned to you, he will be found to be not guilty. Out of 4000 pockets he purchaſed 1000, which is one-fourth part.

Now, Gentlemen, I have ſtated this quantity to you as that which was to be ſold in the Worceſter market. But the quantity produced in the Country at large is infinitely greater. I have taken it that he purchaſed one-fourth of the whole quantity of the Worceſter market. But if he had ſwept away the whole market *of that day*, there was much more to come to the market the day after. It happened to me in my way to this place to meet with a book which contains a general hiſtory of Hops for ſome years paſt. It gives an account of the duty payable on Hops, which is ſo much per lb. and the amount of the annual produce. This hiſtory extends from the year 1787 down to the year 1798, being a period therefore of more than 10 years. According to the calculation in this book, the general average produce is 23000 pockets per annum throughout the whole Country. You ſee, Gentlemen, I have taken the quantity of Hops purchaſed by Mr. Waddington in the Worceſter market to be only one-fourth part of the commodity at market. Why then he has not bought an unuſual quantity—he has not bought them in a clandeſtine manner. The whole world were witneſſes to what he was doing. He gives for them what appears from all the evidence to be the fair and current price of the day. They ſeemed to wiſh to prove that Mr. Waddington was ready to give any Planter as much as he aſked for his Hops. But was that ſo? £12 10*s.* was the market price, and I am not aware that he ever went beyond the market price at all. He never at leaſt went beyond £13 6*s.* One of the Witneſſes ſaid he aſked Mr. Waddington 13 Guineas for his Hops; but did Mr. Waddington give it? Did he leap at this price like a man who wiſhed

to engroſs the commodity? He certainly di' not; but he acted like a man who came to market as a fair *bona fide* purchaſer of Hops, and not for the purpoſe of raiſing the commodity. He offered him only £13. Mr. Taylor, the Seller, then offered them to him at £13 6s. and Mr. Waddington purchaſed them at that price; ſo that here was actually a beating down of the price. Mr. Waddington comes forward therefore like a man, making a fair market, and getting the Planter down to the price he was willing to give. Is that a fair bargain? Gentlemen, did Mr. Waddington produce the effect on this market that is aſcribed to him? Did he produce the effect of increaſing—of raiſing the price? Did Mr. Waddington really do that? I conceive not. I am aware that one or two of the Witneſſes ſwore, in their ferment, that what Mr. Waddington did contributed to raiſe the price of Hops; but they were contradicted by other Witneſſes, called by the Proſecutor. They ſtate, that no riſe of price was created by his coming to Worceſter; that his coming there had no ſuch effect; that the market was not affected more by *his* coming than it would have been by that of any other perſon. If a commodity comes to market, where there are many Sellers and few Buyers, a man may purchaſe that commodity ſomewhat lower. And on the other hand, where there are many Purchaſers and but few Sellers, the reverſe muſt happen:—that circumſtance will in ſome degree raiſe the price of the commodity. But neither the one nor the other of theſe is a crime in a trading Country. I do not know that a man may not go to market, and take advantage of the fair fluctuations of that market. Gentlemen, I am talking now as to the riſe of the price, owing to the ſpreading of theſe rumours at the moment. Did the market continue to riſe after all that Mr. Waddington is ſuppoſed to have done to raiſe it? It is clear from the evidence of ſeveral of the Witneſſes, and particu-

larly of Mr. Pennethorne, that the markets ſtill continued to ſink till after the middle of May. How does that affect this caſe? At firſt one would have imagined the *preſent* price of Hops was owing to Mr. Waddington, that his "deep malignity" had effected the great ſcarcity of the commodity. But is it ſo explained? The cauſe of the preſent ſcarcity is the effect of the ſeaſons—it is owing to the hand of the Almighty. The Hops that had exiſted have been blaſted—and in conſequence of that the price has riſen. Riſen why? Becauſe there is a ſcarcity. If there had been an abundance in hand, the ſame failure of the crop could not have produced that effect. But couple them, and you account for it—But, accounting for the riſe of the price from theſe cauſes, neither of them applies to Mr. Waddington—neither of them can be imputed to him. Diſcharge therefore from your minds this *amazing oppreſſion*, which the poor are at preſent ſuffering, becauſe they have not had enough of theſe Hops, and try this caſe fairly and without prejudice. What is the reſult of Mr. Waddington's conduct with regard to the people who are talked of as the ultimate conſumers of this commodity? I take it, to conſtitute this offence, the ultimate conſumers of the commodity muſt be injured. See then whether or not what Mr. Waddington has done has in truth affected the ultimate conſumer. If he had not been there, what would have become of that commodity? Was it to be *given* to the poor? Certainly not. Was it to be *ſold immediately* to the poor? Certainly not. In the regular courſe of the trade it would have been ſold to the Gentlemen Factors, and they would have ſent it to their cuſtomers. My friend coming from London will tell you what the cuſtom is, and how it paſſes through the Borough market. I believe it goes through the hands of a great number of people, before it comes to the ultimate conſumers. How does it much concern the ultimate conſumers therefore, whether Mr. Waddington had bought theſe Hops or not?

But it may concern theſe Factors—It muſt affect *them*, if *other* men can go into the market, and buy a conſiderable quantity of this commodity. And if a man cannot purchaſe *this* commodity to ſell again, he cannot purchaſe *any other* for there is no diſtinction that I am aware of, and it will follow that no man can buy a conſiderable quantity of any merchandize to ſell again—and therefore, if the commodity be ſold at all, it muſt be ſold by the perſon producing it to the retailer, or to the conſumer. The retailer may perhaps be conſidered as the conſumer, though that is very doubtful. But all Factors, if not Retailers, muſt be underſtood to be Engroſſers. And you are called upon to ſay whether this man is guilty within the law, merely becauſe he has done this—becauſe he has bought a conſiderable quantity of Hops. I aſk you, what is to become of Mr. Timothy Brown and his houſe, if you find the Defendant guilty? Mr. Brown is very able, if he pleaſes, to carry on a criminal proſecution. What will become of this man and his houſe, and of a number of houſes more, if the buying of a commodity to ſell it again is prohibited by Law? That indeed makes it a queſtion of conſiderable importance to theſe parties, who ſhall throw the firſt ſtone. But it is not what concerns this or that houſe, I put it on a broader ground: Whether there muſt not exiſt ſome middle men who may purchaſe Hops, and through whoſe hands the Country at large may be ſupplied with this commodity? whether it be Mr. Timothy Brown, or any body elſe, ſignifies nothing. I am not well ſkilled on this ſubject, and therefore proceed implicitly on my inſtructions. But I am told this commodity is very precarious indeed, and is extremely doubtful in every ſtage of its progreſs. I am told it is a tender and dangerous cultivation. You know whether that is true or not. It is not enough to ſee a Hop-plantation fair and blooming. It is often viſited by a particular inſect that entirely deſtroys it.

Even till the laſt moment, the winds of heaven, and a thouſand other cauſes, may in one night blaſt a crop of Hops, and completely diſappoint all the hopes of the Planter. Hence the neceſſity there is to apply to ſome perſon, who by his advances may enable the Planter to ſupport himſelf in the cultivation of this commodity. And if he is prevented from entering into a contract with the Merchant reſpecting his future crop, you may grub up every Hop-plantation in the Country. I am told that the cultivation of Hops is extremely expenſive, that the ground requires to be greatly manured and cleaned, and the expenſe amounts at leaſt to £25 per acre. Whether I ſtate this accurately or not, I rejoice that you are competent judges. But, if that be ſo, what is to be done, if this Planter ſhould be ſo fettered and cramped in his operations? It is not intended that the Country ſhould be ſaved by the deſtruction of the man that feeds it—It is not intended that this ultimate conſumer, the Public, ſhould at laſt, cuckoo-like, deſtroy the bird by which it had been ſupported.

"Gentlemen, let us now conſider a little whether the other part of the caſe be ſo clear as it has been repreſented to you. My Friend near me ſuggeſts the particular neceſſity there is for theſe middle men. It is in evidence before you that though this commodity grows here, it does not grow everywhere. There are only certain parts of the kingdom that grow Hops, and of courſe all the other parts of the Country muſt be ſupplied by them. There is therefore the more neceſſity for theſe middle men. For inſtance, every individual who wants to buy for individual conſumption, cannot come from Yorkſhire or any other part of England, where this commodity is not produced, to the London or the Worceſter market for a ſupply of his wants. As this article is produced in very few parts of England, and as it is an article of univerſal conſumption, it follows that there is an abſolute

abſolute neceſſity ſuch middle men ſhould exiſt; and the law does not in any caſe prevent that which is of abſolute neceſſity.

"Gentleman, it has been ſtated to you, by my Learned Friend, that the law upon this ſubject was ſo exceedingly clear, that 'there could be no doubt about it.' It happened, however, that the Parliment of this Kingdom did endeavour to aſcertain what the Common Law was upon this ſubject. Gentlemen, I hold in my hand a copy of a report taken from the Journals of the Houſe of Commons, 12 Geo. III. Such then were the doubts, who were Foreſtallers and Engroſſers, &c. that the Houſe met on the ſubject to aſcertain that which the Common Law had not made clear. They inquired, and found a great many ſtatutes exiſting, and which had been made in furtherance of the Common Law. The ſtatute of the 5th and 6th of Edward VI. c. 14, recites theſe words:, 'Albeit,' ſay sthe ſtatute, 'divers good ſtatutes heretofore have been made againſt Foreſtallers of merchandizes, and victuals, yet for that good laws and ſtatutes againſt Regraters and Engroſſers of the ſame things have not been heretofore ſufficiently made and provided, and alſo for that it hath not been perfectly known what perſon ſhould be taken for a Foreſtaller, Regrater or Engroſſer,' and who were ſo at Common Law—It then enacts, 'that whatſoever perſon or perſons, after the firſt day of May next coming, ſhall buy, or cauſe to be bought, any merchandize, victual, or any other thing whatſoever, coming by land or by water toward any market or fair, to be ſold in the ſame, or coming towards any city, port, haven, creek or road of this realm or Wales, from any parts beyond the ſeas to be ſold, or make any bargain, contract, or promiſe, for the having or buying of the ſame, or any part thereof, ſo coming as is aforeſaid, before the ſaid merchandize, victuals, or other things ſhall be in the market, fair, city, port, haven, creek or road, ready to be ſold;

ſold; or ſhall make any motion, by word, letter, meſſage, or otherwiſe, to any perſon or perſons for the enhancing of the price, or dearer ſelling of any thing or things above mentioned, or elſe diſſuade, move, or ſtir any perſon or perſons coming to the market or the fair, to abſtain or forbear to bring or convey any of the things above rehearſed to any market, fair, city, port, haven, creek or road, to be ſold as is aforeſaid, ſhall be deemed, taken, and adjudged a Foreſtaller.' Doubts therefore did exiſt—and our anceſtors had not been able to aſcertain the offence—and therefore they enacted what ſhould be conſidered as Foreſtalling, Engroſſing and Regrating in future. The Legiſlature, in a caſe ariſing on thoſe ſtatutes that were paſſed in furtherance of the Common Law, has declared, that *Hops* were not among the articles that conſtitute the neceſſaries of life—or within the proviſions of the Statute Law. Thoſe ſtatutes however were declaratory of the Common Law, and were enacted for the purpoſe of collecting what the Common Law was prior to that period; they were followed up by other ſtatutes, and were frequently the ſubject of diſcuſſion in the different Courts of Juſtice.

"Gentlemen, as men got wiſer, the wiſdom of theſe laws began to be queſtioned.—Our wiſeſt ſtateſmen doubted whether they ought any longer to exiſt. And in the reign of his preſent Majeſty, this tranſaction took place. A Committee was appointed for the purpoſe of conſidering theſe ſtatutes, that then exiſted—Reſolutions were entered into reſpecting Foreſtallers, and a Committee was directed to report their opinion to the Houſe, which of theſe Laws were fit to be continued, and which of them ought to be repealed. That opinion was as follows:—

"Resolved, That it is the opinion of this Committee, that the ſeveral Laws relating to Badgers, Engroſſers, Foreſtallers, and Regraters, by preventing the circulation of a *free trade*

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in Corn and other proviſions, have been the means of raiſing the price thereof in many parts in this kingdom.

"RESOLVED—That it is the opinion of this Committee, that the Houſe be moved for leave to bring in a bill to remedy the evils occaſioned by the ſaid Laws.

"ORDERED, *nemine contradicente*, That leave be given to bring in a bill for remedying the evils occaſioned by the Laws now in force relating to Badgers, Engroſſers, Foreſtallers, and Regraters.

"Gentlemen, no doubt can be entertained, ſays my Friend, by any man exiſting, nor ever could be, concerning this offence. See who the Legiſlators were who had doubts on it! And when theſe doubts were removed all theſe ſtatutes were repealed. May I ſtate the names of ſome of the perſons who were members of that Committee? You will ſee they were ſome of the firſt men in this country. Mr. Alderman Harley was a man well known in the commercial world, and a man capable of underſtanding this ſubject. Mr. Morton, Mr. Dyſon, and Mr. Fuller, are perſons whoſe names are all well known. I come now to a man of moſt diſtinguiſhed talents, who ſpent his life in ſtudying the trade and commerce of this kingdom, and underſtood it equal to any whoſe works you have had an opportunity of reading. I mean Mr. Edmund Burke. He made a part of that committee. Mr. Cornwall, Mr. Gilbert, Sir George Saville, Mr. Dowdſwell, Mr. Cooper, Mr. Lewis, Mr. Pownall, Mr. Gaſcoigne, Mr. Jackſon, Mr. Lowndes, Mr. Dundas, Mr. Huſſey, and Mr. Wilbraham Bootle—all men of buſineſs. The next day Lord Folkeſtone was added to them. And on mature deliberation given to this ſubject, the Committee reported *inter alia*, that the price of Corn was frequently enhanced—by what? By the preſent ſyſtem of Laws relating to Foreſtallers and Engroſſers. In conſequence

quence of that, upon mature deliberation, an act was paſſed, and now exiſts (12 Geo. III. c. 71.) by which all the antecedent Laws on that ſubject were done away; and done away by a preamble of this kind—'Whereas it hath been found by experience, that the reſtraints laid by ſeveral ſtatutes upon the dealing in corn, meal, flour, cattle, and ſundry other ſorts of victuals, by preventing free trade in the ſaid commodities, have a tendency to diſcourage the growth, and to enhance the price of the ſame, which ſtatutes, if put in execution, would bring a great diſtreſs upon the inhabitants of many parts of this kingdom, and in particular upon thoſe of the cities of London and Weſtminſter: Be it therefore enacted,' &c. Then follow the enactments by which the ſtatute repeals what I conceive was antecedently an offence at Common Law. The ſtatutes regulating this ſubject are all done away, becauſe they are contrary to that ſpirit of trade, which is the firſt thing to be attended to in this country—becauſe, in the opinion of the greateſt men in the country, they promoted the very evils they were intended to remedy. My Friend tells you you muſt not pay any regard to the ſpeculative opinions of men reſpecting the wiſdom or policy of the Law, but that you muſt decide according to what the Law is. I admit it. But ſurely there is ſome weight due to the opinions of ſome ſpeculative men. I would aſk my Friend, whether he thinks the ſpeculative opinions of Dr. Adam Smith are the ſubject of ridicule? I well know why my Friend made that alluſion. I will not repeat it. It would not become me to ſtate the reaſon why he made that glance at Adam Smith. But when great names are to be referred to, and opinons are to be given on the ſubject, I have the opinions of the two firſt men in this kingdom—men oppoſed to each other, but agreeing in this point—I mean the opinions of Mr. Pitt and Mr. Fox—that the trade of this country would be injured by the deſtruction

ſtruction of theſe middle men. And, if ſo, then I conceive the Law does not intend that they ſhould be deſtroyed. But if the Law does intend that there ſhould be an end of theſe men—deſtroyed they muſt be.

Fiat juſtitia, ruat Coelum.

"Though all the fields and Hop-plantations in the country ſhould be grubbed up—though the Public ſhould no longer have this commodity, ſtill if Laws are enacted, they muſt be obeyed. But, if theſe ſtatutes were declaratory of the Common Law, when the Judges gave their opinion that Hops were not a commodity within them, and they meant to declare who are offenders at Common Law, theſe ſtatutes being all now repealed, it would ſeem there is no Law exiſting on this ſubject.

"Gentlemen, if this be ſo, and I am right in the points I have made, I think I need not detain you by reading over and commenting upon the evidence of each particular witneſs. You will have all that evidence detailed by his Lordſhip—You will have his Lordſhip's directions on the points I have mentioned, and to which I with great reſpect defer. But ſure I am, on theſe points you will maturely deliberate before you come to a deciſion.

"My Friend ſuggeſts to me, that there is one point I have omitted. There was ſome difference between the price which Mr. Hodges offered to Mr. Green for his Hops on the 3d of May, and the price he received for them from Mr. Waddington on the ſame day. But you will obſerve that Mr. Hodges meant to buy theſe nine pockets of Hops for ready money, and therefore offered only a ready money price. Whereas they were contracted for by Mr. Waddington to be delivered at a future period—on the 26th of July, and therefore he gave a progreſſive advancing price according to the time when the commodity was to be delivered. Some reliance ſeemed to be laid on this, though no reliance

could be fairly put on it. At preſent the commodity is worth ſo much.—Mr. Waddington ſays, I am not made of money; they were flocking round him, and urging him to buy their Hops, inſtead of his urging them to ſell. He ſays, I cannot buy now, but I will buy at a future period, and I will advance the price according to my conception of what it will be worth at that time. In proportion therefore to the time that the Planter was obliged to keep his Hops—in proportion to the time when they were to be delivered, Mr. Waddington advances the price he gives. It was not the market price of the day. I do not put it ſo, it was not ſo. But you ſhall deliver to me at a future period at a higher price, I contracting to pay you more, ſomething like the intereſt of your money for keeping them, and for making an allowance for what the commodity may loſe in weight. Suppoſe Mr. Waddington buys a hundred weight of Hops to-day—ſuppoſe he buys the produce of one man, and the commodity is to be delivered to-day. Suppoſe that hundred weight of Hops is weighed in ſix weeks or two months hence, it will be found to have loſt conſiderably in its weight. What is the conſequence? If Hops are to be delivered at a future period, as they loſe in weight, the neceſſary conſequence is that you muſt deliver more of the commodity at a future period. This you will mark in your minds, and give it the weight you think it ought to have. The buyer, not being obliged to pay this money till a future day, ſaves ſomething, and gets a more compact and fit commodity—more fit for uſe, but which, for the reaſon I have mentioned, the ſeller cannot part with but at an advanced price.

"Gentlemen, I was led back to this circumſtance by the recollection of my Learned Friend.

"I have ſtated to you my ideas on this ſubject, and I have ſtated them undoubtedly with a conſiderable degree of anxi-

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ety—becauſe I feel on account of Mr. Waddington. I feel unqueſtionably, in being called on to defend a man accuſed of this enormous crime—of this 'deep malignity.' It is trying to a man not much in the habit of making ſuch defences. I feel that I may have taken up more of your time than you may think neceſſary. And beſides, I feel for myſelf, that if he does eſcape, he would have been acquitted more eaſily, had his Counſel been more equal to his duty. I am bound to ſtate ſuch ſuggeſtions as I am able.

"Having done that, let me requeſt of you not to be drawn away by the eloquence of my Learned Friend. He is on the popular ſide—he has the vantage ground—the public expectation is awake—they look to your verdict. You are taught to conſider this as a proſecution in ſupport of the whole Kingdom. But who cares for my client? You have not before you that conſpiracy which was hinted at by my Learned Friend, nor (give me leave to ſay) will you ſuffer yourſelves to be ſeduced by any eloquence he may have diſplayed, not even by that earneſtneſs to which he has been able to work himſelf up. I can conceive that *he* may have brought himſelf to believe ſome part of that which he has ſo ably ſtated to you. But I think he cannot believe the whole. He has attempted to mix other ingredients in this Proſecution. You will correct theſe prejudices; and as this is an unuſual Proſecution, as this is a caſe not frequently heard of, I wiſh to aſk in the language of the poet, why

——— This new Proſecutor
Awakes me all the enrolled penalties,
Which have, like unſcour'd armour, hung by th' wall,
So long, that nineteen zodiacs have gone round,
And none of them been worn; and for a name,
Now puts the drowſy and neglected act
Freſhly on me:—'tis ſurely for a name.

"It is for the ſake of popularity that the proſecutors have

rouſed theſe drowſy and neglected acts, and have endeavoured by their learned Counſel to excite your indignation, and to fix it on the gentleman whom I repreſent.

"Gentlemen, get rid of theſe prejudices, conſider the queſtion as it is in itſelf, ſtripped of every extraneous circumſtance. It is a queſtion of great and infinite importance to the Public—to the commercial intereſts of the Country as well as to my Client. Conſider the effect of your verdict againſt him—I do not ſay you muſt acquit leſt puniſhment ſhould follow, becauſe I muſt admit, if he is guilty, it is your duty to ſay ſo. But you will conſider the ground I have mentioned to ſhow that *middle men* are not within the Law, becauſe they are neceſſary for the benefit of the Public. Diſcard from your minds all but the queſtion itſelf. Do not conſider the preſent times and ſcarcity, forget them altogether, and aſk yourſelves with regard to this particular inquiry alone, whether Mr. Waddington is guilty of the charges laid in this Information. The two charges, as they ſtrike my mind, are completely inconſiſtent with each other, and if one of them be true the other cannot; and if you cannot tell which of them is true, I hope and truſt, and, I confeſs, with confidence, that you will acquit the Defendant."

Mr. Plumer. My Lord, I do not think I ought to take any notice here of my friend's Law?

Mr. Juſtice LE BLANC. Certainly not, becauſe this is not the place for that, otherwiſe I would hear you in reply to him.

Mr.

Mr. JUSTICE LE BLANC'S CHARGE to the JURY.

"*Gentlemen of the Jury,*

"THIS is an Information which comes down for trial, in conſequence of the permiſſion of the Court of King's Bench to file ſuch Information againſt SAMUEL F. WADDINGTON, containing ſeveral charges; but I think they may be divided into two claſſes. The one claſs contained in this Information charges him with an intention to enhance the price of Hops; and, for that purpoſe, that he ſpread divers rumours and reports with reſpect to Hops, by aſſerting, in the preſence of a number of Hop-planters, that the then preſent ſtock of Hops was nearly exhauſted; that there would ſoon be a ſcarcity of Hops; and that, before the Hops then growing could be brought to market, the then preſent ſtock of Hops would be exhauſted—with intent to perſuade ſuch perſons not to bring or ſend their Hops to any market, and to abſtain from ſelling them, and thereby to enhance the price of Hops. That is the firſt charge, which is contained in the three firſt Counts of this Information. They charge him with an intention to enhance the price of Hops, and with uſing certain means to perſuade the Hop-planters to keep back their Hops from the market, for the purpoſe of enhancing the price.

"The ſecond claſs of Counts contained in the Information charges him with an offence of a different nature; namely, with getting into his hands, by purchaſing, large quantities of Hops, to reſell them for an unreaſonable and extraordinary profit, and by ſo doing to enhance the price of Hops. The object, therefore, throughout the whole of this Information, is to charge him with this intention of enhancing the price of Hops: and with doing it, in the firſt inſtance,

inſtance, by uſing means with the Planters to prevail on them to keep back their Hops from the market, thereby to raiſe the price of them—and, in the ſecond caſe, by buying of different perſons large quantities of Hops, with an intention to reduce their quantity in the market, and by ſo doing to enhance the price of the commodity.

"Gentlemen, the queſtion for your determination is, whether in fact Mr. Waddington has done what is charged on him by this Information—Whether theſe facts amount in point of Law to an offence; for what will be the conſequence, ſuppoſing him to be found guilty by your verdict, are matters with which we at preſent have nothing to do. If all the facts do not in point of Law conſtitute an offence, ſuppoſing your verdict to paſs againſt him, Mr. Waddington, by a proper application to the Court, will be releaſed from all puniſhment; becauſe, if the facts ſtated in this Information do not in point of Law conſtitute an offence at the Common Law, no puniſhment can follow, though he is convicted of this offence. And therefore at preſent it is neceſſary to diſmiſs from your conſideration a variety of thoſe topics, which have been urged, and very ingeniouſly urged, by the Learned Counſel for the Defendant, with regard to the policy of the Law, as well as with regard to the Law itſelf. I ſhould think myſelf guilty of a neglect in the diſcharge of my duty, if I were to permit this Court to go from hence entertaining the leaſt doubt on the ſubject, that by the Common Law this is a miſdemeanor. There is no doubt, that to enhance the price of a commodity in the market is an offence at the Common Law, And therefore it is, I think, my duty to ſtate at the ſame time, that it is not for your conſideration on this preſent occaſion, becauſe you are only to try whether he is guilty of the facts charged by this Information. I have little difficulty in ſtating, that if any perſon, for the purpoſe of enhancing a commodity in the market, ſpreads divers rumours and reports—or if he gets into his

hands

hands large quantities of that commodity to ſell it again at an unreaſonable and extraordinary profit, and thereby to enhance the price of the commodity—that is an offence at the Common Law. And therefore you will take it for granted it is ſuch; at the ſame time bearing in your minds, that you, by finding Mr. Waddington guilty (if he is guilty) on the evidence, do not determine that he is guilty in Law, and that he is liable to puniſhment, unleſs the Law is againſt him; and that queſtion is open to be litigated, if there is any doubt what the Law is. Now, Gentlemen, that being the caſe, conſider what the facts are to which you will have to apply the evidence, and which I ſhall ſtate to you as accurately as I can. In the firſt Count of this Information, Mr. Waddington is charged with ſpreading reports with reſpect to Hops, by aſſerting, in the preſence of a number of Hop-planters and Dealers in Hops, that the preſent ſtock was nearly exhauſted, &c. with an intent to perſuade thoſe perſons not to bring their Hops to market, and to abſtain from ſelling them, and thereby to enhance the price. Nearly to the ſame effect is the charge in the ſecond Count. And the third Count is more general—that he attempted to perſuade divers perſons dealing in Hops to keep certain quantities of Hops back from the market, and to abſtain from ſelling them for a long time, for the purpoſe of enhancing the price. And the other Counts all charge him with getting into his hands, by buying, large quantities of Hops from different perſons, for the purpoſe of ſelling them again for an unreaſonable and extraordinary profit, and thereby to enhance the price—ſome of the Counts naming the perſons from whom he purchaſed them, and the laſt Count ſtating 'divers perſons,' without naming particular perſons.

"In order to ſupport theſe charges, the firſt witneſs called is William Penn, who is a Clerk to Mr. Hodges, a Hop-merchant in Worceſter. He deſcribes himſelf as attending

at the Worceſter market, and as living twelve months with Mr. Hodges, his maſter. He had lived three years in Worceſter before that. During the time he has lived with Mr. Hodges he has attended the market, unleſs when he happened to be otherwiſe employed. Saturday is the market day. The Worceſter market principally ſupplies the North—Liverpool, Mancheſter, and the other conſiderable towns in the North, which do not grow Hops. In March, 1800, Hops ſold from £.11 to £.13 per hundred weight. On the 29th of March the market was very flat, and there was every proſpect of the price of Hops being lower. The ſtock of Hops at that time was very conſiderable; they were more than ſufficient to ſupply the current demand. He himſelf had never ſeen the Defendant in Worceſter as a Dealer, nor did he himſelf know that he dealt by any agents here. On the 29th of March, he ſays, he ſaw Mr. Waddington in the market. Market hours are from ten in the morning till two. After Mr. Waddington came into the market, he heard him ſay to a number of perſons, that, owing to a proſecution that had been commenced againſt him (not that which we are now trying in this City)—that, owing to a proſecution which had been inſtituted againſt him, the price of Hops was lower; but he could aſſure them, from very high authority, that proſecution was dropped, and that the price of Hops would riſe. He ſaid, the ſtock of Hops in the hands of the Brewers was nearly exhauſted, and that very ſoon they muſt come to him, or the Planters; that the price of Hops would be at £.20 per hundred weight, and that they might depend on his aſſiſtance to keep up the price. This is the ſubſtance of what Mr. Waddington ſaid. He (the witneſs) ſays, he heard him uſe the ſame words ſeveral times. He does not pretend to repeat the words; but he is able to ſay that he uſed the ſame words, or words to the ſame effect, ſeveral times. He ſaw ſeveral perſons offering

him

him ſamples. He told them, if they did not want the money, they had better not ſell, for Hops would be a great deal dearer. But ſome of them urging him to buy, he complied with their requeſt: this was on Saturday the 29th of March. He ſays, the next Saturday, when Mr. Waddington was not down, the ſamples were fewer in the market, and the planters not inclined to ſell. This is the firſt account on the firſt day.

"Gentlemen, your attention will be called to two other days: the 19th of April, and the 3d of May. On the 19th of April, which was juſt three weeks after the 29th of March, and alſo a market-day, Mr. Penn ſaw Mr. Waddington again about half after one o'clock. There were many Planters and many ſamples in the market, but they were not diſpoſed to ſell till Mr. Waddington arrived there. Till then very little buſineſs was doing. Mr. Waddington went into the warehouſe of Meſſrs. Yarrenton and Phillips, and ſoon after the Hop-planters followed him. He ſaid he was ſorry that ſo many ſamples were reſerved for him—he was much obliged to them for the preference they had given him, but he did not come down with an intention of buying. He then got upon ſome ſacks. The warehouſe was full. It might hold 30 or 40 people. He then took out a paper, and ſaid that on that day he would purchaſe 200 pockets of Hops at £12 10ſ. a hundred weight, and 200 pockets more each ſucceeding fortnight, at an advance each fortnight, till the price amounted to £15 per hundred weight. He (the witneſs) did not know how much the advance was. Mr. Waddington went into the counting-houſe, and deſired thoſe, who were diſpoſed to ſell any Hops on thoſe different days, to follow him, and to write down on his paper their names, the days on which they wiſhed to deliver them, and the quantity. He ſays there was ſome other converſation, which he does not now recollect.

"On croſs-examination he ſays he has been for ſeven years in the way of the Hop-trade, but only regularly concerned in it for the laſt twelve months. Mr. Hodges, he ſays, is a Hop-merchant, buying in the market and ſelling again: and he deſcribes the trade of a Hop-merchant to be, to buy in large quantities in the market, and to ſell in large quantities again. Some of them may buy to the amount of a thouſand pockets in a year; ſome more, and ſome leſs. With reſpect to the quantity bought in a year by a Hop-merchant, whether it is one or two thouſand pockets, the fact does not apply to this caſe. This is not a queſtion whether Mr. Waddington has or has not done any thing that others may have done; becauſe, if what Mr. Waddington has done is wrong, though ten thouſand other perſons had done the ſame it does not excuſe him. Mr. Waddington cannot defend himſelf againſt the charges in this Information by ſhowing that the offence is common, and that many other perſons have committed it; with that ſingle obſervation, therefore, I ſhall diſmiſs the point entirely, and ſhall proceed with the evidence.

"He ſays that, in January, in this year, Hops were from £15 to £16; and, he believes, approaching to 16 guineas. In the beginning of February they were about the ſame price; but towards the latter end of that month they had ſunk. In the beginning of March, by which he means the 8th or 10th, he heard (for he was then on a journey) that they were about 13 guineas. He ſays that the ſtock in the Country, at that time, was conſiderable; but the antecedent crops, for ſome years back, had not been abundant: Hops are various and fluctuating. The Witneſs then gives a reaſon why Hops were flat in the Market at that time, and why they did not bring ſo great a price;—becauſe, though the ſeaſon before had not been good, in conſequence of the laſt crop of Barley being likewiſe bad, the demand for Hops was

much leſs than it otherwiſe would have been. He ſays, with reſpect to the ſums to be paid on what may be called the progreſſive deliveries, which he deſcribes Mr. Waddington as having contracted for, theſe were to be according to the times of the delivery. For thoſe that were to be delivered at a more diſtant day, a higher price was to be paid; and the price was to be paid at the time the Hops were delivered, and not at the time when the contract was made; and, when they were delivered, they were then weighed.

"Now, Gentlemen, with reſpect to this Witneſs, you will obſerve that, as far as his evidence goes as to what he heard, he proves the expreſſions which are alleged to have been uſed by Mr. Waddington to the Hop-planters; in repreſenting himſelf, at that time, as not wiſhing to be a buyer, but telling the Planters who had Hops to ſell that the ſtock of Hops in the hands of the brewers was nearly exhauſted; and telling them that Hops would be higher, and that they might depend upon his aſſiſtance to keep up the price; and then ſaying, if they wanted the money, though he thought they had better not ſell, yet he would purchaſe ſome of them.

"The next Witneſs was William Harwood, who ſays he is a Grocer living in Worceſter. He was in the Hop-market on the 19th of April. The other Witneſs, William Penn, ſpoke firſt to the 29th of March, and afterwards to the 19th of April. This witneſs ſpeaks only to the 19th of April; He ſays, at half paſt 12 o'clock, on that day, he went to the Market;—that Mr. Waddington came at near one o'clock;—that it was an extremely full Market;—that he never ſaw ſo large a one before. This was the ſecond Market-day that Mr. Waddington attended at Worceſter. He went into the Warehouſe of Meſſrs. Yarrenton and Phillips, and, in a little time, raiſed himſelf on a ſack, and addreſſed the perſons who were preſent, whom the witneſs believed were Hop-planters; ſome of them he knew, and others he did not.—He then

gives an account of what he heard. He ſays, Mr. Waddington there told them he was obliged to them for the compliment they had paid him by ſo numerous an attendance; that he was afraid they would be diſappointed, as he did not come down that day to buy any Hops at all; that he ſhould be ſorry to diſappoint them; that he had hit upon a plan which he hoped would meet their wiſhes. He ſaid he was willing to buy that day 200 pockets, at £12 10ſ. per hundred, which he conceived to be the price of the day; and 200 pockets more each ſucceeding fortnight, for the ſpace of two months, at an advance of 10ſ. at the end of the firſt fortnight; of 10ſ. more at the end of the ſecond fortnight; at 10ſ. more at the end of the third fortnight; and at 20ſ. more at the end of the laſt fortnight; which would raiſe the price to £15 per hundred weight. He then ſays that Mr. Waddington produced a paper ruled in different columns, and requeſted thoſe Planters who were diſpoſed to ſell to write down their names under the days when they wiſhed to deliver Hops, and the quantity they wiſhed to diſpoſe of;—that, on this, ſeveral of the Planters followed him into the adjoining room. He ſtrongly recommended it to the Planters to keep their Hops as long as they could, for he was perfectly ſatisfied that Hops would be higher.—The witneſs does not recollect that he aſſigned any reaſon for that opinion: he deſcribes himſelf as hearing diſtinctly what paſſed.—He is a Grocer in this town, and ſells Hops as a retail dealer. He buys ſometimes of the Planters, and ſometimes of the Merchants; but more frequently of the Planters. We all know it is the nature of the buſineſs of a Hop-merchant to buy Hops to ſell them again in different parts of the Country.—He deſcribes the 9th of April as a large market;—that Mr. Waddington ſpoke to ſeveral perſons before he went into the counting-houſe of Yarrenton and Phillips. He ſtood at the door of the warehouſe, and

conſequently

conſequently does not know what paſſed between Mr. Waddington and thoſe who followed him into the counting-houſe. He did not know whether any Hops were offered Mr. Waddington on that day. But, with reſpect to the queſtion whether Hops loſe in their weight by ſtanding, he has underſtood that Hops do loſe in weight by ſtanding in warm weather, though he himſelf never made the experiment.

The next Witneſs was William Taylor, who ſays he is a grocer. The laſt witneſs ſpoke to the 19th of April. This witneſs ſays he was in the Hop-market, on the 29th of March, from ten to one. He had Hops for ſale, but no Hop-merchant looked at them, though ſome people out of the Country did. He ſays he heard, on that day, Mr. Waddington ſay to the Planters and himſelf (that is, on the firſt day of his appearance at Worceſter, the 29th of March,) that Hops would be dearer; but that, if they were determined to ſell, he would buy them; that he ſpoke this loud enough for all the ſpectators to hear; that the witneſs offered him his Hops, on which Mr. Waddington aſked him if he was a Planter; He ſaid no, he was a dealer. Mr. Waddington then ſaid, he had better hold them, they would be dearer; but if he was diſtreſſed for the money he would buy them of him, and give him £13 per hundred weight. Mr. Taylor ſaid he wanted 13 guineas for them. Mr. Waddington told him he would give him £13 6s, and he ſold them to him for that. He ſays, Mr. Waddington adviſed the Planters and himſelf to hold their Hops, and by holding them they would receive good intereſt for their money. He applied to Mr. Waddington to buy his Hops, and Mr. Waddington did not apply to him. He at firſt offered him £13 for his Hops, Mr. Taylor aſked 13 guineas; Mr. Waddington then offered him £13 6s. and then, in the end, the witneſs ſold them to him at that price. He took great pains to offer his Hops to him as ſoon as he could.

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"The next witneſs was Thomas Weaver, the maſter of the Hop-pole Inn. He deſcribes Mr. Waddington as coming to him on the 28th of March; he came and aſked Mr. Weaver if he could provide a dinner for him and a number of his friends the next day: the company might be 80, 90, or 100. He called on him the next morning, ſaying the company might conſiſt of 80, 90, or 100; but he would undertake, at all events, to pay for 50 gentlemen. The witneſs, after this, went to the market to give notice of this dinner. He did not underſtand the exact deſcription of perſons Mr. Waddington meant; he therefore went into the market, and acquainted the Gentlemen, in the Hop-trade in general, with what Mr. Waddington had done. But afterwards Mr. Waddington called on him and apprized him of his miſtake; and told him, he meant that Planters only ſhould dine with him, as he had ſomething particular to communicate to them. Mr. Weaver told him he had invited the trade in general; and obſerves that he propoſed to Mr. Waddington to put a written paper over the door, to give notice that none but Planters ſhould be admitted. Mr. Waddington approved of it, and Mr. Weaver's young man was directed to put up ſuch a paper; and accordingly there was written on a paper, in large letters, "NONE BUT PLANTERS ADMITTED;" and that paper was put over the door. Ninety-ſeven Planters, 95, and afterwards two others, making in all 97, ſat down to dinner; and Mr. Waddington paid the bill for them all the next day. He deſcribes himſelf as a good deal in the room, while he was putting wine on the table. Mr. Waddington was in the chair. The firſt toaſt given was "THE KING." Afterwards this toaſt was given; "HOPS AT £20 PER HUNDRED." This was received with approbation, in the ſame manner as the former toaſt. Mr. Waddington then had a converſation with the Planters, in which he told them, that, by coming down to Worceſter, he

he would convince them he was their friend, and that he had a greater wiſh to ſerve them than to put any money into is own pocket.—He would convince them, before he left the room, that they had not a fair price for their Hops.—He ſaid he had no doubt that Hops would be at £20 per hundred weight; and that, in a very ſhort time, the brewers would be obliged to come to him or to his agents—The ſtock of Hops was nearly exhauſted. He ſeemed to know very well how long it would be, but did not recollect it.—He recommended it to them to hold their Hops; but if any Gentlemen were diſpoſed to ſell, he would buy of them, and give them £12 10s. per hundred; but he recommended it to them to hold them.—He ſaid he liked the City of Worceſter ſo well, that he ſhould like to build a warehouſe, in which they might depoſit their Hops, rather than that they ſhould be obliged to ſell them at a reduced price. Mr. Waddington told theſe Gentlemen, that he (Mr. Waddington) had followed the Kentiſh Planters, and had overtaken them in the road to the Borough market, going to ſell their Hops to the Factors;—that, from their want of money, they were obliged to ſell them when they were convinced they would be at a higher price. Upon this Mr. Chambers, who is a very conſiderable Planter in Herefordſhire, there gave "MR. WADDINGTON" as a toaſt, and invited him to come down to the enſuing election.

"Gentlemen, you will find this a material witneſs; he only ſpeaks to what Mr. Waddington ſaid on the 29th of March, not to what paſſed on the other two days, the 19th of April and the 3rd of May. Some of the other witneſſes, who were in the ſituation in which he ſtood, do not recollect, or give any account of, what Mr. Waddington ſaid. You have heard them ſay, that, from the ſituation in which they were, they do not recollect any thing at this preſent time.

"The next witneſs is William Yarrenton, a Hop-merchant in

in Worceſter. He ſays he knows Mr. Waddington; that he was employed to take in ſuch Hops as Mr. Waddington bought here, and that he began to be connected with him in buſineſs, about 12 months ago. He remembers ſeeing Mr. Waddington on Friday the 28th of March; he ſtaid till the Sunday morning following. He ſaw him on the Friday and Saturday, and was a good deal with him. He believes he ſaw Mr. Waddington on the Saturday morning, before he (Mr. Waddington) went to the market. Mr. Phillips is his partner. Mr. Waddington told him he intended buying ſome Hops in the market; he thought Hops would be dearer, and adviſed him to buy if he wanted a ſtock. He gave him no other reaſon for their being dearer, than that he intended to be the buyer of ſome Hops in the market. This was in a converſation which he had with Mr. Yalenton, and not the converſation which he held in the market. To the beſt of his recollection, Mr. Waddington did not ſay any thing to him of what he intended to do to the market. This is all he recollects to have paſſed on the firſt viſit. On the 19th of April Mr. Waddington came down again; he thinks he ſaid the ſtock of Hops was ſmall, and nearly exhauſted. Mr. Waddington ſaid nothing about the crops. He ſays the preceding crop was a bad one. We have not had a full crop ſince the year 1794. In 1795, 1796, 1797, and 1798, the crops were all bad. In the year 1797 we had only three parts of a full crop. He ſpoke of the country at large. The duty on Hops, he ſaid, in the year 1797, was about £157,000. He bought Hops that day (April 19) in the market, but he cannot ſay whether he bought any of theſe Hops after Mr. Waddington had addreſſed the Planters in the market. He bought that day not leſs than 60 or 70 pockets. He does not recollect hearing any thing Mr. Waddington ſaid to the Planters on that day. He was talking to them about Hops—they offered him their Hops, and he

he deſired them to ſtop a little, he was going to ſpeak to him (the witneſs). He heard Mr. Waddington ſay that Hops would be dearer. He did not hear any advice which he gave to the Hop-planters on that day. He does not know whether he adviſed them to ſell or not to ſell; but his advice to him was, to buy Hops if he wanted a ſtock; for that they would be dearer. He was at the dinner on the 29th of March. He heard this toaſt given by Mr. Waddington, "HOPS AT £20 A HUNDRED," but he cannot charge his memory with what he ſaid to the Hop-planters. He remembers him telling them this, that they had been loſers by planting Hops for ſeveral years back. He ſays he was engaged at that time with a Hop-planter, talking about a lot of Hops, and he did not pay much attention to what paſſed in the room. He heard "MR. WADDINGTON" propoſed as a toaſt by Mr. Chambers, and his health drunk by the company. And he ſays, with reſpect to what was alleged to be coupled with that toaſt, that he never heard it—that it was not given that day; and indeed it has not been mentioned by any one of the witneſſes, but was only ſtated in the opening by the Learned Counſel. When Mr. Waddington went away, he underſtood from him he meant to come back again in a fortnight or three weeks; and he underſtands his buſineſs here was to buy Hops.—His intention might be to buy Hops, or not; but certainly, according to the evidence of the firſt witneſs, this was totally contrary to his avowed intention; becauſe, according to the evidence of that perſon, Mr. Waddington did not want to buy Hops, but he told thoſe who were anxious to ſell, that he would buy ſome of them.

"Mr. Yarrenton ſays, he ſaw Mr. Waddington when he came down on the 19th of April. It was near one o'clock when Mr. Waddington came to his counting-houſe. He aſked him how the market was going? he ſaid, it was heavy. He

had ſeen him before on that day, when he got out of his chaiſe; he had ſhaken hands with him, and told him the market was flat, or that it was heavy. In the counting-houſe Mr. Waddington told Mr. Yarrenton he was going to buy Hops. When he went out of his counting-houſe, Mr. Waddington was in the act of ſpeaking, or beginning to ſpeak, to the Planters. After he went out Mr. Waddington did not afterwards inform him what he had done or ſaid. Mr. Waddington had left an account with their clerk of his purchaſes. A paper, containing theſe contracts, was here called for; and Mr. Pennethorne, clerk to Mr. Yarrenton, was examined reſpecting it.

"Mr. Yarrenton then goes on with his account. He ſaw Mr. Waddington again on the 3d of May. He preſumes he then came to buy Hops, and to bring money to pay for thoſe he had formerly bought—that Mr. Waddington was a buyer of Hops on that day, becauſe he had left a written account of his purchaſes with their clerk. Mr. Waddington ſignified his opinion to Mr. Yarrenton that Hops would be dearer, and he aſſigned to him no other reaſon for buying any. He does not know that he heard from him what quantity of Hops he had on hand, when he came down to Worceſter on the 29th of March. He does not know that he had a ſingle pocket on hand. He was not ſo communicative to him. In the beginning of March laſt he was in Mr. Waddington's houſe in London. He was then ſelling Hops, and called on Mr. Waddington to aſk him how he did, and to ſee whether he was a buyer. He then told Mr. Waddington the market at Worceſter was low, and that the prices were lower than they had been. He did not recollect exactly on what day of March that was; it was about the 10th or 12th of March: he then ſold in London 150 pockets of Hops. Mr. Waddington at that time, he ſays, was not a buyer. When the witneſs told Mr. Waddington

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the market at Worceſter was falling, he did not then learn from him that he meant to come down to Worceſter. He did not know he was coming down till a few days before he came, and then he underſtood he was coming to buy Hops.

" He ſays, he has been 20 years in the Hop trade. The deficiency, the goodneſs or badneſs of a crop, cannot be aſcertained from the Hop duty, in conſequence of the increaſe of late of Hop-plantations. The Hop duty in 1797 was £157,000, although there were only three-fourths of a crop in that year. In conſequence of the increaſe of plantations in late years, even a bad crop may produce a greater duty than a good crop would produce, if the Hop plantations were not ſo extenſive: the laſt year the ſtock had increaſed, becauſe the conſumption was much leſs; owing to the high price of Malt, and the high price of Hops. He ſays, the price which Mr. Waddington gave for Hops, to come in at any of thoſe days that were mentioned—that were to come in at a future day—was no more than the price of that day, becauſe there was a conſiderable loſs in weight. He ſpoke within his own experience when he ſaid, if Hops were kept two months in warm weather, they would loſe in weight from 3lb. to 7 or 8, and even to 10lb. in a pocket; and he deſcribes the contents of a pocket to be, from a little more than a hundred to a hundred and a half. The proprietors of the Hops keep them till the time of delivery; they are weighed when delivered by a public weigher. At ſome parts of the ſeaſon he has bought 5, 6, or 700 pockets in a day, and ſome Gentlemen many more: he deſcribes their market to be greater between September and Chriſtmas, than at other times of the year: probably in the beginning of the winter, when the brewing ſeaſon comes on, from September to Chriſtmas. On the 29th of March, on a moderate calculation, he thought there might be 600 or 700 pockets of Hops to be diſpoſed of in the market, by

ſample or in bulk; that is, on the firſt day that Mr. Waddington came down here. On the 19th of April he thinks there might be about the ſame quantity, or more; and on the 3d of May he ſuppoſes there was about the ſame quantity—or there might be more or leſs, though he thought there was hardly ſo much; he deſcribes the price as falling from the latter end of February to the latter end of May; and from that time to the preſent it has been riſing, and Hops now are at £.16 or £.17 per hundred weight. In his opinion, Mr. Waddington did not increaſe the price of Hops ſo much as ſome other perſons; one or two houſes will enhance the price more than what he did. From the latter end of May to the preſent time, and particularly for the laſt three weeks, there had been a riſe in the price of Hops, becauſe then a ſuſpicion began to be entertained reſpecting the goodneſs of the enſuing crop. He ſays it is not ſo uſual to buy large quantities of Hops near the end of the year; at that time there is not ſo much to purchaſe. He does not think the purchaſes made by Mr. Waddington enhanced the price. He thinks the high price of Hops at preſent is owing entirely to the unfavourable appearance of the enſuing crop. Mr. Yarrenton is of opinion that the Planters thought the worſe of Mr. Waddington for his addreſs to them, and adviſing them to hold their goods; and that it produced the contrary effect, and made them more willing to ſell than they otherwiſe would have been. In his examination I do not find any account of what Mr. Waddington ſaid to the Hop-planters, and yet this opinion is founded on what he ſaid to them, though he does not now recollect any part of it. He deſcribes 600 or 700 pockets to be about the whole produce of the market; and that the proportion that Mr. Waddington's purchaſes bore to that, on the different days when he was down, was as one to four. He judged 200 pockets at that time to be about one-fourth of the market.

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When Hops are at £. 13 per hundred, the price per lb. is about 2s. 4d. The advances on the price of Hops, which were made by Mr. Waddington, cannot be accounted for on a calculation of what the Hops loſe in weight; becauſe, when the quantity they are deſcribed to loſe in weight is compared with the increaſe of price, they do not tally. The value of the number of pounds of Hops, which they are ſuppoſed to loſe by keeping in warm weather, ought to correſpond with the increaſe of the price in Hops.—He is then aſked as to time bargains, which ſome of the witneſſes called progreſſive bargains; and he ſays, he never made ſuch a bargain himſelf, and never knew ſuch a bargain made at Worceſter till Mr. Waddington made it. Such bargains for time are made by people in the North. But when he came to be queſtioned more narrowly as to that, it appeared they only bought this commodity upon credit. That is totally different from a bargain for time.

"This I think is the evidence of Mr. Yarrenton.

"The next Witneſs is Thomas Pennethorne, who is Clerk to Meſſrs. Yarrenton and Phillips, and who was firſt called for the purpoſe of producing a paper which had been in his hands, but which he had delivered over to the Defendant's Attorney. That paper he received from Mr. Waddington. It was the paper he had in his hand (and which has been deſcribed by ſeveral of the witneſſes) at the time when he was talking to the Planters. He deſcribes himſelf as Clerk to the Hop-merchants I have juſt mentioned, and ſays that he attends the market for them. On the 29th of March laſt, that is, on a Saturday, he ſaw Mr. Waddington come down the market. He ſaw him talking to a number of Planters, but did not hear what paſſed. On the 29th of March Mr. Waddington himſelf bought of the Hop-planters 165 pockets of Hops. That number of pockets he bought himſelf, according to the account which he handed over to the

the Witneſs. Mr. Waddington alſo bought on that day of Meſſrs. Yarrenton and Phillips 46 pockets of Hops, which were their own; and likewiſe employed them to buy for him 81 pockets, making in the whole 292 pockets bought on the 29th of March, either by Mr. Waddington himſelf, by Meſſrs. Yarrenton and Phillips, or by the Witneſs. Theſe 292 pockets were the whole quantity purchaſed by and on account of Mr. Waddington, on the 29th of March. Mr. Pennethorne then produces a paper in the hand-writing of Mr. Waddington, which he ſays he wrote on: he wrote on this paper, though there are on it ſome pencil marks which were not written by him. That paper, he ſaid, did not include the Hops he purchaſed on the 19th of April, which were to be delivered on that day; but only the Hops then contracted for, and which were to be delivered on a future day. It is not neceſſary in this particular part that I ſhould give you an account of the names; when it becomes material I ſhall mention the names to you. On the 19th of April Mr. Waddington enumerates 32 pockets as bought, and which were to be delivered on that day. They were bought on the 19th of April for preſent delivery. He ſays they were Hops of a fair and middle quality, and that the price at which they were bought was the fair price of the market. But, beſides theſe Hops for preſent delivery, Mr. Waddington then contracted for other Hops, to be delivered on future days, and the different prices were alſo diſtinctly deſcribed. And theſe words were written at the head of the paper; "We the underſigned do hereby engage to ſell to S. F. Waddington and Co. to be delivered to them as under." The paper was then divided into different columns; at the head of each was put the day when the Hops were to be delivered, their quantity and quality. On the head of the firſt column was the 3d of May; on the top of the next column was the 17th of May; on the head of the next column was the 31ſt

of

of May; and on the next column was marked the 14th of June. In the first column were the names of certain persons who sold their Hops at £.13 per hundred, and some of them were at a lower price; so that the price was fixed according to the quality of the Hops: those of an inferior quality were sold at a lower price. Unless the Hops were of an inferior quality the price on the 3d of May was to be £.13. The next column contained those that were to be delivered on the 17th of May. There were 47 pockets of Hops contracted for to be delivered at that time, all at the price of £.13 10s. except 13 pockets, which, being of an inferior quality, are fixed at £.12 per hundred. At the head of the column of the 31st of May is marked £.14, which is an increase of 10 shillings more; and three different persons are all of those who contracted to deliver on the 31st of May. The last column is the 14th of June, at the head of which is £.15 per hundred weight; which is an advance of £.1; and that is a much larger quantity. I cannot exactly tell you the quantity; but it is to the amount of about 200 pockets, and the price is £.15 per hundred weight, except in one or two instances, where the price is lower in consequence of the Hops being of an inferior quality. These were the contracts made on the 19th of April, and where the Hops were to be delivered at these progressive dates. He says, that on that day Mr. Waddington contracted for other Hops, to be delivered on the 14th of June, which were not in that paper; but he had another paper in which these contracts had been minuted down, and from it he stated the names of the persons, the quantity, and the price. The first paper he had from Mr. Waddington himself, and the other from Mr. Warwick his partner. And he received the whole of that quantity on account of Mr. Waddington.

"These are all the contracts made by Mr. Waddington on the 19th of April.

"He

"He then ſpoke to the contracts he made on the 3d of May, which was the 3d day Mr. Waddington was down at Worceſter. He then contracted for other quantities of Hops, to be delivered on two different days, namely, on the 31ſt of May and the 26th of July. On the firſt of theſe days only one quantity of Hops was delivered, namely, 13 pockets. On the 26th of July there was a much greater quantity from different perſons, and from one perſon only to the amount of 57 pockets. Gentlemen, the whole quantity will be added up, if it is material. Some of theſe Hops, being of an inferior quality, were ſold at £.10 and at £.15 per hundred weight. Theſe are the different contracts that were made by Mr. Waddington, and which have been proved by Mr. Pennethorne. They were all weighed by the public weigher. They have been all delivered, and moſt of them have been paid for by Mr. Waddington. But ſome of them, which were delivered as late as laſt Saturday, are not yet paid for. And when the whole quantity purchaſed on the three different days are added together, they amount to ſomewhat more than a thouſand pockets. Theſe are all the purchaſes he made, including the 29th of March, the 19th of April, and the 3d of May. And he ſtates that a large quantity of them was delivered as late as laſt Saturday. He ſays the market was extremely well ſupplied, and there was no ſcarcity. He judges that on the 29th of March there might be in the whole 5000 pockets, as the produce of the Counties of Worceſter and Hereford. That is his judgment. He ſays 5000 pockets, in his judgment, are the total produce of all the Hops in the two Counties now mentioned. And he gives that calculation for the purpoſe of ſhowing that Mr. Waddington, on theſe three days, bought or contracted for 1000 pockets out of 5000. He ſays, that on the 19th of April he heard Mr. Waddington, in the warehouſe, tell the Planters, that he was come down that day by invitation to

dine with them, and not to buy Hops. He then ſtood upon a tump of Hops. But, he ſaid, if any Gentlemen were ſo preſſing, he would buy a few. He then named the quantity he would buy on different days, and the prices he would give on each day. This is the account which Mr. Yarrenton's Clerk gives. Mr. Yarrenton ſaid that the ſole object of Mr. Waddington's viſits to Worceſter was to buy Hops, and to buy Hops only. This Witneſs, Mr. Pennethorne, ſays Mr. Waddington told the Hop-planters he came down that day by invitation to dine with them, and not to buy Hops; but, if they were ſo preſſing, he would buy a few. And you ſee, from the evidence given, what that quantity was, and the proportion it bore to the whole produce of the two Counties of Worceſter and Hereford. He told them he was not made of money, and that he could not buy all their Hops. He ſaid he had not money to buy Hops, and if he did it muſt be on credit. He then deſcribes the buſineſs of Hop-merchants to conſiſt in buying large quantities of Hops here, and ſending them to ſupply the orders from perſons reſiding in different parts of the Country. He ſaw many of the Hop-planters preſſing on Mr. Waddington, who then got upon the ſacks that he might be heard. He told them what he would give them for their Hops. The Planters did not aſk him a price for their Hops, but propoſed to him to ſell at the price which he himſelf had fixed, and not at any price which they had fixed. The ſamples were all produced at the time the contracts were made, and were delivered into his cuſtody. And when the Hops were delivered, ſome of them were rejected as not proving the ſample. A leſs price was fixed on thoſe of an inferior quality, and for which they were afterwards taken. He then deſcribes the markets on the 17th and 24th of May to be as cheap markets as any that there were. That is for the purpoſe, I ſuppoſe, in the firſt place, of ſhowing that, after Mr. Waddington had made all his purchaſes, the market ſtill continued

as low as before, and that therefore it was not affected by his contracts. That is ſaid on the part of the Defendant. On the other hand, they ſay that, although he had made all his contracts on the 3d of May, and although the market on the 17th and 24th of May was flatter than on the 3rd of May, that is no anſwer to the charges brought againſt him; becauſe, if he had not come down and ſpread the rumours, &c.; and taken ſuch a large quantity of this commodity out of the Worceſter market, the price muſt have been much lower than it was.—He then deſcribes the unpromiſing ſtate of the Hop-grounds, and ſtates what I believe is a notorious fact, that the Hop-grounds about the end of May began to put on a very unpromiſing appearance. He ſays there were two and ſometimes two or three murrain years together. He ſays ſome of theſe Hops which Mr. Waddington purchaſed here are in warehouſes in Worceſter, and ſome of them were ſent to London. He ſays he heard Mr. Waddington tell the Planters that he did not come there as a Buyer; and that, if he muſt buy, it muſt be on credit.

"Gentlemen, you will of courſe attend to this part of the evidence, which ſhows the quantity of Hops bought, the manner in which they were bought, and the account Mr. Waddington gave of his coming down to Worceſter.

"The next Witneſs is John Racſter. He ſays he is a Planter, and ſold ſome Hops to Mr. Waddington. He had no more than the market-price for them. He ſold him thirteen pockets at £13 a hundred. He would not have ſold them that day, unleſs he had got that money for them. He got no more than what he thinks was the market price. And, on being aſked whether he did not ſay he had got more, he ſaid he did, but that it was only a joke; that he did not get more than the fair market price, and that he did it for the purpoſe of laughing at them. He ſaid to them, Who would deal with a Worceſter man, when he coul get £60 more from a Londoner? He ſays he thought he had

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got no more for them than the market price of that day. He had been in the Hop-trade 35 years, and he ſays he hardly ever knew a man come from London to this market that did not raiſe the market. Probably, whenever any demand is made beyond the uſual demand, it will happen that the price will riſe. That is the ſubſtance of his evidence.

"The next witneſs is anotherHop-planter, William Green. He ſays that, on the 29th of April, or the 3rd of May (it was clearly fixed afterwards, by Mr. Hodges, a Hop-merchant, to have been the 3rd of May), he offered Hodges a quantity of Hops at £13 per hundred weight, which he ſold to Mr. Waddington on the ſame day at £15. He at firſt doubted whether it was on the 19th of April, or the 3rd of May, that he had offered theſe Hops to Hodges; but Mr. Hodges makes that matter quite clear, that it was on the 3d of May they were offered to him at £13. And they were afterwards ſold to Mr. Waddington at £15, to be delivered on the 26th of July. That it was before Mr. Waddington came that he offered theſe Hops to Mr. Hodges. Mr. Green did not fix the price at £15; but it was in conſequence of Mr. Waddington himſelf having declared the price which he had fixed, at the head of the columns of the paper which we have before explained, that Green offered him his Hops. The price, and the 26th day of July, were fixed by Mr. Waddington himſelf as his own price, and his own day. He paid £15 for thoſe Hops, which on the ſame morning were offered to Mr. Hodges at £13 per hundred weight.

"Mr. Hodges was next called. He ſaid that, on the 3rd of May laſt, Mr. Green offered him nine pockets of Hops at £13. That was at nine or ten o'clock in the morning. They are the ſame nine pockets he afterwards ſold to Mr. Waddington, becauſe Mr. Green told the witneſs he had no more; and indeed Mr. Green himſelf ſaid they were the ſame nine pockets.

"The next witneſs is Archibald Duncan. He has been

22 years in the trade, and had juſt returned to Worceſter from a journey (the 29th of March). At that time there was no ſcarcity all along in the market. He at all times found as many Hops as he could advance money for. Mr. Waddington's coming down made the market advance. That advance was not leſs than £1 per hundred weight. When he is aſked who proſecutes this Information, he ſays he does not know. This is his opinion: he attributes the increaſe of the price of Hops to Mr. Waddington's coming down, and he deſcribes how they were previous to the time when he did come down.

"William Hooper is the laſt witneſs. He ſays he is a Hop-merchant in Worceſter. He went on a journey a fortnight before the 29th of March, and left the market in a falling ſtate. When he returned, on the 29th of March, which was the firſt time Mr. Waddington viſited Worceſter, he ſays, he found the market very flat. Hops ſoon roſe 10s. at leaſt per hundred weight, which he attributes to Mr. Waddington's coming down; and that, if he had not come down, in his opinion the market would have been much lower. He did not know whether he had bought or not on that day.

"Gentlemen, this is the evidence in ſupport of this proſecution. On the part part of the Defendant no witneſſes have been called; and therefore you are to determine, on this evidence, as it ſtands uncontradicted by any body, whether (no witneſs having been called on the other ſide) this evidence makes out to your ſatisfaction all or any of the charges in this Information.

"I ſtated in the outſet the two charges it contains. As to the 1ſt, namely, "the intention of Mr. Waddington to 'enhance the price of Hops, by perſuading the Hop-planters to keep back their Hops, and not to bring or ſend them to any market, thereby to enhance the price," that will depend on the evidence of thoſe witneſſes that have been

called, who ſpeak to the language Mr. Waddington uſed at the time he came here. Theſe witneſſes, with reſpect to what they ſay, have not been contradicted by any witneſs called by the Defendant; and therefore you can hardly ſuppoſe that what they have ſaid is a falſehood, more eſpecially when what they heard and what they have ſworn was ſaid in a public company where a great number of other perſons were preſent, and where it is not unfair to preſume that many of them were not ſo hoſtile to Mr. Waddington, but that they could have been called if what has been ſworn on the part of the proſecution could be contradicted. And therefore I think it is fair to conclude, in favor of thoſe perſons, that what they have ſaid may be taken to be true; becauſe what they have ſworn was ſaid in the preſence of a great number of perſons, and it is not attempted to be contradicted. You have one, two, or three witneſſes, who do not recollect any thing Mr. Waddington ſaid at the dinner. Though Mr. Yarrenton was in the room, yet he does not recollect what paſſed. You have Thomas Weaver, the maſter of the Hop-pole Inn: while he was in the room, he has given you a diſtinct account of what paſſed there; and you have alſo the evidence of William Penn, clerk to Mr. Hodges, as to what he heard him ſay on the 29th of March and the 19th of April. You have likewiſe the evidence of William Harwood, who gives an account of what he heard him ſay on the 19th of April; and of Mr. Taylor, as to what he ſaid on the 29th of March. Now you will find, from the teſtimony of all theſe witneſſes, this evidence; and I think I need not go over it again, ſince they ſpeak clearly as to the general object of what Mr. Waddington ſaid to the Planters. But it is for you to determine, whether what he ſaid at the time amounts to an advice to them not to part with their Hops. He gave them his opinion ſtrongly, that Hops would riſe, and adviſes them to keep their Hops back; ſaying, he had

had not come as a buyer, but if thoſe who were very preſſing, and wanting their money, wiſhed to ſell their Hops for their money, he was willing to buy. Now, if that account is true, you will judge whether that did or did not amount to an endeavour on his part to enhance the price of Hops, by perſuading the Hop-planters to keep their Hops back, and not to ſend them to the market: and if, for want of money, they inſiſted on ſelling them at that time, he offered himſelf as a buyer; otherwiſe he did not wiſh to become a buyer. That is the conſtruction, on the part of the proſecution, which they put on it: and it is for you to ſay, having heard the converſation when I went over the evidence, whether that is or is not a fair concluſion on his conduct, from the words he uſed. That, I think, Gentlemen, is the evidence of all the witneſſes who ſpoke particularly to the converſation in the market, and which I ſtated to you. You will then judge likewiſe from the evidence of Mr. Weaver, particularly on the firſt day (the 29th of March), whether Mr. Waddington came here with a view to buy Hops, as his agent Mr. Yarrenton underſtood he did, or whether he came for another purpoſe. Mr. Yarrenton's clerk underſtands that he did not come then as a Buyer, but had come down by invitation to dine with the Planters. Mr. Weaver of the Hop-pole Inn, in his evidence, ſays that Mr. Waddington applied to him to provide a dinner for a number of his friends, for a number of the Hop-planters, whom he wiſhed to ſee (but not for the Hop-dealers), as he had ſomething particular to communicate to them. That Mr. Waddington dined with the Hop-planters there, and by his deſire other perſons were not to come; and with his approbation a paper was put over the door for that purpoſe.

According to the account of what paſſed, he roſe and addreſſed the Hop-planters after dinner, and ſaid he would

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convince them, by coming down to Worceſter, that he was their friend, and that he had a greater wiſh to ſerve them than to put money into his own pocket;—He would convince them that they had not had a fair price for their Hops, and that the price of Hops would ſoon be £20 per hundred. Now this obſervation ariſes on this part of the evidence, if you believe Mr. Weaver, —Whether this was the conduct of a man intending to buy Hops only—Whether it was the natural conduct of a man in ſuch a ſituation, to endeavour to perſuade the Planters that they had been ſelling Hops too cheap—the very commodity which he wiſhed to buy;—that, if they would withhold their Hops, they would be higher, and endeavour to perſuade them to keep them. If this conduct of his convinces you that it was to perſuade them to keep them back, for what purpoſe was it done? The Information charges it was done to enhance the price of Hops.—Can you ſuggeſt any other purpoſe for which a Gentleman, in the ſituation of Mr. Waddington, was likely to addreſs a meeting of Hop-planters? If you believe the witneſſes, that he took ſuch pains to convince the Planters they had been ſelling their Hops too cheap, and that they would ſhortly riſe, with any other view but to enhance the price of Hops—if there was any other view, you will be ſo good as to put this conſtruction on his acts and words. If you think they merit any other conſtruction, and that he acted with a different view from that alleged in the Information, you ought to acquit him; becauſe, unleſs it was done with a view to advance the price of Hops, there is no other charge againſt him. It is for you to make out if he had any other view. I cannot ſuggeſt any other to you.

"On this part of the caſe an objection has been made on the part of Mr. Waddington. Two Counts in the Information ſtate that Mr. Waddington, to enhance the price of Hops,

Hops, had ſpread divers rumours and reports, by aſſerting, in the preſence of a number of Hop-planters and dealers in Hops, that the then preſent ſtock of Hops was nearly exhauſted. And Mr. Dauncey obſerved, correctly, that the evidence of the witneſſes was, that the ſtock of Hops *in the hands of the Brewers* was nearly exhauſted; and, therefore, that this evidence did not ſupport theſe Counts, becauſe they charge that Mr. Waddington had publiſhed, in the preſence of a number of Hop-planters and dealers in Hops, a report, that the then ſtock of Hops was nearly exhauſted—*generally*, and without confining it to the ſtock of Hops in the hands of the Brewers.

" One of the Witneſſes on the part of the proſecution did not uſe the term *Brewers*, but ſaid he told him the ſtock of Hops was nearly exhauſted. If you ſhall be of opinion that he did not uſe the words 'ſtock of Hops,' without qualifying them with the words " in the hands of the Brewers"——

Mr. Plumer interrupted him.

My Lord, the evidence of Mr. Yarrenton on this point is general, and proves the charge as laid in the Information.

Mr. Juſtice LE BLANC, *having turned back to the Evidence of Mr. Yarrenton, ſaid;*

" The Agent of Mr. Waddington deſcribes it generally. Mr. Yarrenton ſays, I think it was on the 19th of April, the next time he was down, when he ſaid the ſtock of Hops was ſmall, and nearly exhauſted. He ſaid nothing about the crop, and he in his evidence gives an account of the antecedent crops. However, if you think that he did not uſe theſe words generally, but confined them to that deſcription of perſons called the Brewers, you may ſay ſo; and you will ſee what the effect will be. When Mr. Yarrenton's evidence on this point, and that of the other Witneſſes, are coupled

coupled together, I think it does ſupport the Counts charging him with 'ſpreading reports to enhance the price of Hops, by repreſenting, in the preſence of a great number of Hop-planters, that the then ſtock of Hops was nearly exhauſted,' &c.

"Theſe, Gentlemen, I think, are all the obſervations on the evidence which ariſe on the firſt ſet of Counts, and on the firſt charge brought againſt him.

"The next charge brought againſt him is, that he himſelf did, by buying, get into his hands large quantities of Hops, for the purpoſe of ſelling them again at an unreaſonable and extraordinary profit; thereby to enhance the price of Hops.

Mr. Dauncey. I beg your Lordſhip's pardon for interrupting you. I wiſh to obſerve that Mr. Waddington's converſation with Mr. Yarrenton was a private converſation; whereas the rumours and reports, imputed to him by the Information, are alleged to have been ſpread in a public converſation.

Mr. Juſtice LE BLANC. You are very right, I believe. I ſhall read that part of Mr. Yarrenton's evidence over again. Mr. Waddington, he ſays, told him he intended buying ſome Hops in the market; he thought Hops would be dearer, and adviſed him to buy if he wanted a ſtock. To the beſt of his recollection, he did not ſay any thing to him of what he intended to do to the market. This was a converſation which he had with him (Mr. Yarrenton), and not the converſation which he held in the market.

"Gentlemen, it will be for you to conſider the evidence, and to ſay upon the evidence, whether, when Mr. Waddington was addreſſing the Hop-planters, he ſpoke of Hops *generally* as being nearly exhauſted; becauſe, if he did, it will amount to the charge brought againſt him. That will confine itſelf to that particular Count to which it applies. The other Counts are differently conſtituted. Whether

that Count is good or bad, we have nothing to do. If you are of opinion that he never ſaid *generally*, to the Planters, that the then ſtock of Hops was nearly exhauſted, perhaps you will obſerve that in the verdict that you will give.

"The next Charge againſt the Defendant is that of getting into his hands, by buying, large quantities of Hops (ſtating the names of the different perſons from whom he had purchaſed them), with an intent to ſell the ſame again for an unreaſonable and extraordinary profit; thereby likewiſe to enhance the price of Hops.

"The caſe ſtated on the part of the Proſecution was this: that, after Mr. Waddington was informed by his Agent in London of the falling market at Worceſter, it was his firſt object to come down, and to perſuade the Hop-planters to hold their Hops—to keep them back, and not to ſend or bring them to any market. That was his firſt and primary object. But to ſuch as for want of money were obliged to ſell, Mr. Waddington offered himſelf as a purchaſer. He wiſhed to purchaſe as large a quantity as he could for the preſent, and which at different prices were afterwards to be delivered on a future day. His firſt object, therefore, was to prevail on them to keep them back from the market; and, if he could not ſucceed in that, his intention then was to get as large a quantity as he could into his own hands, in order to keep them out of the market, thereby to enhance the price. Now you will ſee whether the evidence I have ſtated to you ſupports that part of the caſe or not. And you will recollect the converſation that has been ſpoken to, and his conſequent propoſals at the different times when he came down to Worceſter—when he came down to buy theſe Hops. Some of the Counts name the names of particular perſons. In the courſe of my ſumming up, perhaps ſome Gentleman has taken the trouble to ſelect the names mentioned in the Information, from thoſe that are not ſtated in any Count—be-

cauſe,

cauſe, if any thing particular ariſes upon this, it is right the Defendant ſhould have the benefit of it."

Mr. Plumer. Every one of the thirty-ſeven names have been proved, except ſome little variation in one or two.

Mr. Wigley. I have marked them all diſtinctly into the different days to which they belong. There are names ſtated in ſome of the Counts of the Information. There are a number of perſons which have been mentioned by Mr. Pennethorne, to the amount in all of upwards of thirty. But theſe thirty and upwards do not certainly embrace the whole quantity of Hops ſaid to be purchaſed.

Mr. Juſtice LE BLANC. With regard to the ſubſequent charge of getting into his hands large quantities of Hops, for the purpoſe of ſelling the ſame again at an unreaſonable and extraordinary profit, and thereby enhancing the price—this Charge is proved by the evidence principally of Mr. Pennethorne, Clerk to Meſſrs. Yarrenton and Phillips. You obſerved the extent to which it has been proved. But many of the names which were mentioned by him are not names ſtated in any of the Counts of the Information. It is not neceſſary that all the names ſhould be mentioned in the Information, provided it does appear, from the names that are ſtated, that he has purchaſed a large quantity of Hops, with a view of ſelling them again, and of making an unreaſonable profit, and that his view in ſo doing was to enhance the price of Hops. And though the names of particular perſons are not mentioned in all the Counts of the Information, yet where he has bought Hops, and to the amount of large quantities, of the perſons named in the Information, the purchaſing of other quantities of other perſons, and to a greater extent, will be evidence to ſhow the intent with which the quantity charged in the Information to have been purchaſed was purchaſed. The charge is, that he bought certain large quantities of Hops of A. B. C. D. E. F. and G.

It is proved that he bought large quantities of A. B. C. D. E. F. and G., and alſo of M. N. O. P. and Q. which names of M. N. O. P. and Q. are not ſtated in the Information.—Now, if you are convinced that Mr. Waddington bought theſe large quantities of A. B. C. D. E. F. and G. the names of the perſons ſtated in the Information, you will take into your conſideration the quantities he bought of M. N. O. P. and Q. the names of other perſons not mentioned in the Information, in order to ſhow the intention with which he bought the quantity of thoſe perſons whoſe names occur in the Information. You will conſider whether it was with an intent to enhance the price of Hops. You being convinced, as you muſt be, that he bought certain large quantities of Hops of thoſe perſons whoſe names are mentioned in the Information, it is competent to you to take into your conſideration the quantity which he bought of other perſons, in order to ſhow the intent and deſign with which he made his purchaſes of thoſe whoſe names are found in the Information. Now, he did buy of the ſeveral perſons therein named to a certain amount.—On the 29th of March he bought to the amount of 88 pockets, on the 19th of April to the amount of 252 pockets, and to the amount, on the 3rd of May, of 19 pockets. The total number of pockets, on the three different days, is 359. That is the whole quantity which Mr. Waddington purchaſed of theſe Gentlemen whoſe names are mentioned in the Information, on the three different days he was down at Worceſter."

Mr. Plumer. Mr. Waddington purchaſed of thoſe Gentlemen whoſe names are ſtated in the Information, and of other Gentlemen whoſe names are not to be found in the Information, to the amount of 1065 pockets.

Mr. Juſtice LE BLANC. I know that the total number of pockets, purchaſed of thoſe perſons whoſe names are mentioned in the Information, amounts to 359. But it is proved that

that he bought of other perſons, including this quantity, ſomewhat more than 1000 pockets, which is about one-fifth of the whole produce of Worceſterſhire and Hereford-ſhire. Now the only queſtion on this part of the caſe is, whether he did not buy theſe Hops to ſell them again for an unreaſonable, and extraordinary profit. An extraordinary profit on theſe Hops in this Information, I take it, muſt be greater than otherwiſe, in the fair courſe of dealing, would have been the profit of dealing; buying in the uſual way, and leaving every perſon to be a fair purchaſer in the market. If you believe the evidence, his object in making his purchaſes was to prevent the Planters from bringing their Hops to market, to ſell at the preſent current price of the day. And if that could be done—if the Hops could be prevented from coming to market, it muſt neceſſarily raiſe the price of the commodity in the hands of every other holder. You will ſay, therefore, whether his view in purchaſing this quantity of Hops, when he could not prevent it from coming to market, was or was not for the purpoſe of making a profit greater than he ought to do, and greater than was reaſonable he ſhould do; and, if ſo, whether his ultimate end was to enhance the price of the commodity. That ſeems to follow, I was going to ſay, almoſt as a neceſſary conſequence. If theſe purchaſes of Mr. Waddington's greatly reduced the quantity of Hops in the market, it ſeems to follow, as a neceſſary conſequence, that, the demand continuing the ſame, the price of the commodity muſt riſe.

"Gentlemen, that is the nature of this charge, and this is the evidence in ſupport of it. You have heard the obſervations I have made. I do not ſay a word on the Law of the caſe. You muſt take it at preſent as ſettled that it is an offence; and if it is not, no injurious conſequences can follow from it.

"You will ſay whether the evidence ſupports theſe charges,

or

or either of them; and, according as you shall be of opinion that it supports them or either of them, or not, you will either acquit the Defendant or find him guilty of the whole Charge, or of a part of the Charge.

The Jury retired near half an hour to consider the Verdict, and then pronounced the Defendant GUILTY.

Mr. Justice LE BLANC. Guilty generally, Gentlemen?

Foreman. Yes, my Lord.

COURT OF KING'S BENCH,

JANUARY 28, 1801.

The KING *v.* WADDINGTON.

THE Defendant was brought up to receive the Judgment of the Court, which was pronounced by MR. JUSTICE GROSE to the following effect:

"SAMUEL FERRAND WADDINGTON, you are to receive the Sentence of this Court, convicted on an Information charging you with having put in practice divers methods ſpecified in the ſeveral Counts of the Information, for the purpoſe of enhancing the price of hops. Upon this Information you have been tried by a Special Jury of the City of Worceſter, who, on evidence ſatisfactory to them, have found you Guilty. From that evidence it appears, that you, a Merchant living in (a diſtant county) Kent, in the months of March and April laſt went to the city of Worceſter, where there was held a conſiderable market for the ſale of hops; that you, on your arrival there, found the ſtate of the market (to uſe the expreſſion of one of the witneſſes, which is very intelligible) *very ſlack*,—that the ſtock of hops in that county was conſiderably more than ſufficient to anſwer the current demand, and that there was a proſpect of their being lower. It appears that in the preceding January the price of hops had been between £.15 and £.16 per cwt. and that the market

price in the month of March was from £.11 to £.13 per cwt. You found the price ſo low, that you thought fit to obſerve upon it, and to ſtate publicly in the market (which was very full), that the low price of hops was owing to a proſecution that had been commenced againſt you. It appears, you then aſſured the by-ſtanders (whether truely or not you muſt have known) that the proſecution againſt you was dropped, and that of courſe the price of hops muſt riſe again. If it was true, that the low price of hops was occaſioned by the proſecution againſt you, it is more than probable it was deemed to be well grounded. Nothing was brought to ſhow that proſecution was dropped, and therefore the ground of your aſſertion, that the price of hops would riſe again, does not appear to be correct. You further aſſerted in the market that the then preſent ſtock of hops in the hands of the Brewers was nearly exhauſted. That there was any foundation for that aſſertion does not appear. And you further aſſerted, that they muſt ſoon come to you or to the Planters for their hops; that in a ſhort time they would be at £.20 per cwt. and that they might depend upon your aſſiſtance to keep up the price. By this we find you had a ſtock of hops on hand, and that it was your intention not only to keep up the price yourſelf, but to aſſiſt others in doing ſo, till that commodity, which was from £.11 to £.13 per cwt. ſhould riſe to £.20 per cwt. It alſo appears that you on the 19th of April, with this view, entered into contracts for 200 pockets at £.12 10s, that day, and for 200 pockets more each ſucceeding fortnight, advancing each time 10 ſhillings till the price ſhould arrive at £.15 per cwt. And ſo you became a purchaſer, as appears from the evidence, of *one fifth* of the produce then in hand of the two counties of Worceſter and Hereford, at a much higher price than that at which hops were when you arrived at Worceſter. In the preſent ſtate of what is called paper credit, human ingenuity could not invent a more likely method of

enhancing

enhancing the price of a commodity, and perſuading the Planters either not to bring their hops to market, or, if they did, not to ſell them at a lower price than you offered, which was greater than any aſked that day. And this is done in an extenſive market at Worceſter, from which, it was proved, all the northern markets principally received their ſupply. On ſuch circumſtances, no man could help ſeeing the conſequences, and no man could wonder at the effects that happened—that hops which on the 3d of May were offered by Mr. Green to Mr. Hodges at £.13 per cwt. ſhould on that day be ſold to you at £.15 per cwt. and that the market ſhould vary as it did between the 29th of March and July.

"On theſe facts the Jury have found you Guilty. The ſum of your offence is, that you, a merchant of credit and affluence, living in Kent, and having a conſiderable ſtock of hops on hand, proceeded to Worceſter, not to buy hops, for that you diſclaim—nor to ſell, for on the evidence it does not appear that you ſold any—but merely to ſpeculate how you might enhance the price of that commodity. You declared to the Sellers that hops were too cheap, and that they did not bring a fair price. And leſt you ſhould be defeated in your ſpeculations to raiſe the price of the market, you contracted for one fifth of the ſtock then in hand in the two counties of Worceſter and Hereford.

"Upon this it has been argued that no Sentence ought to be pronounced, or, if any, that it ought to be extremely lenient. As to the firſt point, that no Judgment ought to be pronounced, or that the Judgment ought to be arreſted; an anſwer has already been given. But whatever our opinion then was, if the Court now felt that, in juſtice to you and the public, no Judgment ought to be pronounced, we ſhould not heſitate to ſay ſo. But when we recollect the anxiety aſſumed by ou anceſtors to prevent the commiſſion of this offence, and when we recollect what the Common Law, as contained in

our ableſt Reporters and Commentators, is on the ſubject, we cannot but deem it a precedent of the moſt awful moment for this Court to declare, that to enhance by undue means the price of hops, which is an article of commerce, and an ingredient in the common beverage of the people of this country, *is not a crime*. The ſtatute of the 12 Geo. III. (under which you defend yourſelf) which repealed certain ſtatutes therein ſpecified, never was intended to repeal other ſtatutes not ſpecified, or that which the Common Law has ordained for the protection of the poor, with regard to thoſe articles of commerce without which they cannot exiſt.

"In mitigation of yonr puniſhment, the Court has been repeatedly and ſtrongly addreſſed on the freedom of trade—(and very properly ſo)—as if it were requiſite, to ſupport the freedom of trade, that one man ſhould be pemitted for his own private emolument to enhance the price of commodities become neceſſaries of life, and thereby p offibly to prevent a large portion of His Majeſty's ſubjects from procuring theſe neceſſaries at all. The freedom of trade, like the liberty of the preſs, is one thing; and the abuſe of that freedom, like the licentiouſneſs of the preſs, is another. God forbid this Cour ſhould do any thing which interferes with the legal freedom of trade! In ſupport of this, the Law has declared that to violate the freedom of trade by intercepting commodities in their way to the market, taking them from the owners by force, or obliging the owners to accept a leſs price than that at which they were willing to ſell them, and carrying them away againſt their will, or committing like violence on the owners in the market, is *a capital offence*, for which men have forfeited their lives to the Law. The Law, therefore, ſo far protects the freedom of trade, as it encourages men to bring their goods to market; and puniſhes thoſe who by acts of violence would deter them from doing ſo. The ſame Law, which protects the rich againſt the violence of the poor, alſo protects the

the poor man againſt the avarice of the rich. And from all time it has been the object of the Law to prevent the enhancing of the price of merchandiſe coming to market, and peculiarly the price of the neceſſaries of life, for the purpoſe of enriching a ſingle individual. The freedom of trade, however, has its legal limits. No man is allowed to diſpoſe of his riches to purchaſe what he pleaſes, of whom or when and where he pleaſes. It is notorious there are certain goods which are contraband, and which no man can by Law trade in. There are goods, which none but thoſe ſpecially authoriſed can trade in. There are others in which none can trade, but perſons authoriſed by the Law; and there are perſons with whom no trade can legally be carried on. It will be eaſily perceived when I ſay this, that I allude to the trade carried on by the Eaſt India Company, to that in naval ſtores which have the King's mark upon them, and to commerce with an enemy. For the ſake of the public, and eſpecially for the ſake of the poorer part of His Majeſty's ſubjects, the Law particularly reſpects the neceſſaries of life, the price of which no man was ever permitted to enhance by undue means for his own private emolument. In theſe and other reſpects, therefore, this freedom of trade has its limits, and muſt, like all other liberties, be regulated by Law: by that Law which exiſts for the protection of thoſe who are obliged to reſort to the market to buy, as well as that Law which exiſts to protect thoſe who reſort to the market for the purpoſe of ſelling. Upon looking into our Law Books, we think we find the offence charged againſt you in the Information ſufficiently defined, and as entitled to the moſt ſerious attention of a Criminal Court of Juſtice. And therefore we are bound to treat it as ſuch. But it has been obſerved by you that the ſtatutes of the 3 and 4 and 5 and 6 of Edward the VIth and other ſubſequent ſtatutes prohibiting foreſtalling, engroſſing and regrating, were repealed by the

12 Geo.

12 Geo. III. c. 71, from which it has been attempted to infer that the enhancing of the price of the neceſſaries of life by undue means has ceaſed to be an offence in the eye of the Law. This argument ſuppoſes you to have read that ſtatute, and thoſe which it repealed; and taking it for granted that you with your own good ſenſe have conſidered the ſeveral laws on this ſubject, or adviſed with others, who had a better opportunity to conſider them—ſuppoſing you have done this, the anſwer is, You muſt be ſenſible the ſtatute of which you claim the benefit does not apply to this caſe. That ſtatute does not ſay that ſuch acts as you have committed ceaſe to be criminal. The effect of it only is, that for the commiſſion of certain crimes ſpecified in certain ſtatutes, which are declaratory, and conſider thoſe crimes as crimes at Common Law, a man ſhall not be liable to certain penalties ſpecified in thoſe ſtatutes. This may be conſidered as an anſwer. But a better anſwer is, that this Information is not exhibited for any offence contained in thoſe ſtatutes that have been repealed. The offence of which you have been convicted, is a direct violation of the courſe and rules of juſt and honourable trade, which encourages every one to bring his goods to market, and to diſpoſe of them immediately to the beſt bidder. You have been guilty of uſing the undue means ſtated in the Information, for the purpoſe of obtaining an exceſſive and extraordinary price, higher than any dealer at the market aſked for the commodity in which you dealt, and of which you had a conſiderable quantity in hand: by which means a temporary fictitious ſcarcity was likely to be produced, and the price of the commodity unneceſſarily and unreaſonably raiſed on the public. And in truth I cannot, for your honour, but ſuppoſe that what was ſtated at the Bar by the Learned Counſel for the proſecution was well founded, that when you were conſidering the effect of the ſtatute of the 12 Geo. III. your own honourable feelings muſt have ſuggeſted

geſted to you that it was very improbable, if not impoſſible, that the Legiſlature of a great and populous Kingdom, whoſe firſt duty it was to provide for neceſſitous objects, could ever intend by that ſtatute to take from the lower and middling claſſes of ſociety, that ſecurity againſt the unneceſſary high price of proviſions which the Common Law intended to give them, and not only to open a door, but to throw out a temptation, to rich men, to ſupply themſelves with the means of life at the riſk and expenſe of the poor.

"Theſe arguments therefore which have been urged by you, if duly conſidered, can operate but little in mitigation of your offence, eſpecially when we recollect that your attention and your caution upon this ſubject were awakened by the firſt application to this Court againſt you—and that ſubſequent to that application, negligently at leaſt, I will not now ſay in defiance of the conſequences, the facts on which this proſecution is founded were committed by you.

"The COURT, having taken into conſideration the nature and extent of your offence, and the time when it was committed, as well as the preſent moment, when a precedent is ſo peculiarly called for, which may operate as an example to others upon a ſubject which ſo materially concerns the Public—at the ſame time having reſpect to the impriſonment you have already ſuffered—doth order and adjudge, That you SAMUEL FERRAND WADDINGTON do pay a Fine to the King of Five Hundred Pounds; and that you be further impriſoned in the Priſon of this Court for One Month, and till ſuch Fine be paid."

THE END.

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